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The California Historical Society *Quarterly*

The Sierra Forest Reserve: The Movement to Preserve the San Joaquin Valley Watershed
By DOUGLAS H. STRONG

The California Wine and Grape Industry and Prohibition
By JOHN R. MEERS

Governor Earl Warren of California: A Study in "Non-Partisan" Republican Politics
By RICHARD B. HARVEY

International Rivalry for California and the Establishment of the British Consulate
By A. P. NASATIR

MARCH 1967

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The Sierra Forest Reserve: The Movement to Preserve the San Joaquin Valley Watershed

By DOUGLAS H. STRONG

ON FEBRUARY 14, 1893, President Benjamin Harrison proclaimed the establishment of the Sierra Forest Reserve, an area of more than four million acres of mountainous territory in the Sierra Nevada of California. By the stroke of his pen he set aside the vital watershed of the San Joaquin Valley. The reserve included the heart of the High Sierra—the territory between Yosemite National Park on the north and the limits of the heavily timbered regions south of Sequoia National Park. Although the origins of the parks of the Sierra have been carefully studied, little has been known about the efforts to establish the equally important Sierra Forest Reserve.[1] Yet the movements to establish both national parks and forest reserves in the Sierra were integrally connected and constitute one of the earliest and most significant conservation efforts in the United States.

The nineteenth century was characterized by what Secretary of the Interior, Stewart L. Udall, has called the "Myth of Superabundance."[2] This was the misconception that resources were unlimited and inexhaustible. Under various land laws passed by Congress, the public lands passed rapidly from the federal and state governments into the hands of private individuals or groups who had neither sufficient knowledge nor the inclination to use the land wisely. With the growth of industry, the rise of large cities, and the construction of transcontinental rail-

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roads in the latter half of the nineteenth century, the wasteful looting of the public domain steadily increased.

The nation's forests were among the first major resources to fall before the pioneer, for in many areas the trees had to be cut before agriculture could begin. With the advent of the circular saw and steam mill, moreover, lumbering became a major industry. Loggers moved from New England through New York and Pennsylvania to the Great Lakes, through the yellow pine forests of the South, and eventually across the country to the West Coast. Surrounded by abundance, most Americans were very slow to realize the need for conservation. To most people, limiting the use of resources was antithetical to the American tradition.

Nevertheless, a beginning was made. In 1864 President Abraham Lincoln signed a bill which granted Yosemite Valley and the Mariposa Grove of Big Trees (one of the great stands of *Sequoia gigantea*) to the state of California. Although Yellowstone was set aside in 1872 as the first national park, the concept of scenic and recreation conservation had developed earlier in California.[3] The state was an early leader in conservation, not only by virtue of her superb forests and wealth of scenic wonders, but because there were a few articulate Californians who were determined to protect them. Foremost among these was John Muir who led the way in educating the public to a realization of the value of preserving land in its natural state for the enjoyment of present and future generations.

Muir expressed alarm at the danger from the threat of lumber companies and sheepherders to much of the best timber and meadow land in the Sierra Nevada. Lumber interests used the Timber and Stone Act to acquire large tracts of land, which they were then at liberty to despoil, while sheepherders overgrazed the mountain meadows and set fire to undergrowth to enlarge the amount of feed available for their animals. Both groups damaged the watershed that provided the water upon which the valleys below depended. Muir's protests were supported by others, notably Secretary of the Interior Carl Schurz. In 1879 Schurz called special attention to the destruction of both coastal and Sierra redwoods,[5] noting that the need for the preservation of these "noblest and oldest" of trees had attracted the attention of leading men of science in both the eastern United States and Europe.

Nevertheless, a concerted effort to preserve the Sierra Nevada and its forests did not begin until 1889 when a small group of Californians in Tulare County organized a movement to withdraw permanently large tracts of land in the mountains. The leading force in this movement was the Visalia *Delta* and its editor and publisher, George W. Stewart.

Aroused by *Delta* editorials,[6] the Tulare Grange meeting in Tulare responded favorably to a member's suggestion that a committee be appointed to meet with other Tulare County residents to discuss a plan to induce Congress to take action.[7] On the afternoon of October 9, 1889, a small group met in Visalia, the county seat, for the purpose of considering the advisability of memorializing Congress "to reserve permanently for a national park certain lands in the vicinity of Mt. Whitney."[8] Those present appointed a committee to prepare the desired petition and to lead the movement prior to a second meeting scheduled to convene in Fresno on October 19.

In the meantime, Stewart, with the aid of Tipton Lindsey, constructed a map of the area to be included in the proposed reserve. As they considered the problem, the area on their map grew until it included the entire western slope of the Sierra from the present boundary of Yosemite National Park to the southern end of the forest belt in Kern County, essentially the area ultimately to be incorporated in the Sierra Forest Reserve. They worked on the principle that it was necessary to protect the watershed of all major streams flowing into the San Joaquin Valley from the Sierra.

The Fresno meeting included delegates from Tulare and Fresno counties and a few invited guests. Stewart made the motion, which received the unanimous approval of the group, that they petition the Secretary of the Interior to set aside as a permanent reserve the tract that he and Lindsey had delineated. By November the final draft of this petition was ready to be circulated among prominent citizens for their signatures. Despite this careful preparation, however, the petition apparently either was not sent directly to Washington or was ignored after it arrived. For whatever reason, it was not heard of again until the fall of 1891 when it was suddenly to become of great importance.

Meanwhile, in a *Delta* editorial in March, 1890, Stewart warned that the matter should not be delayed, and reported that a good deal of aid had been promised by members of both houses of Congress.[9] Fortunately the Tulare County citizens rallied and, with the added influence of John Muir, the California Academy of Sciences, and others, persuaded Congress to pass the acts of September 25 and October 1 which established Sequoia, Yosemite, and General Grant National parks.[10] Stewart and his friends had decided it was better to work to preserve immediately small areas containing giant sequoias that were in imminent danger than to launch a lengthy campaign for the preservation of the western slope of the Sierra.[11] They had apparently concluded that to ask for the reservation of a large area, which would have included many privately held lands, would necessitate an educational campaign on the value of land preservation for which there was no time.

The acts of September 25 and October 1 did not protect the Sierra watershed as the vast forest reserve proposed by the Tulare County group would have done, but the movement that began in 1889 did not end with the creation of California's first national parks. In April, 1891, Stewart recommended that the Sequoia and General Grant National parks be extended eastward to the summit of the Sierra Nevada before any private rights were acquired in the area.[12] John Muir and Robert Underwood Johnson, editor of the *Century Magazine*, both of whom had played a leading role in the establishment of Yosemite National Park, joined in the agitation for a large forest reservation in the southern Sierra. In May, 1891, Muir recommended to Johnson that a large park be established which would include the headwaters of the Kings, Kern, and Kaweah rivers.[13] Johnson in turn presented Muir's idea to Secretary of the Interior John Noble who gave the matter careful consideration.[14] Johnson then published an article by Muir which called for a great national park in the southern Sierra.[15]

The distinction between a forest reserve and a national park had not yet been clearly defined, but this made no difference. The primary objective was to protect the Sierra watershed by whatever means possible. It was increasingly obvious that some action had to be taken soon. The population of Fresno and Tulare counties had more than doubled in the previous decade. The California State Board of Forestry frankly admitted its inability to control fires because of inadequate funds.[16] In this and other matters relevant to its natural resources, the state legislature tended to look to the national government for legislation. This is

Courtesy of the National Park Service

Great Western Divide, Sequoia National Park not surprising when it is recalled that most of the area of the state was still the property of the national government.

Although the first comprehensive bill providing for the reservation and protection of federal forest lands had been introduced in 1871,[17] no act for the creation of forest reserves gained approval until March, 1891, when Secretary Noble managed to slip a clause into an act repealing the timber culture acts.[18] Although largely unnoticed at the time, this forest reserve clause, in what came to be known as the Forest Reserve Act, was among the most important pieces of conservation legislation that Congress ever passed. Secretary Noble cogently explained it:

> when Professor T. C. Mendenhall as president of the "American Association for the Advancement of Science" sent in to the Government the Association's resolution for the preservation of the forests and the water conditions of our country, it was at once apprehended by me that this was the demand of patriotism and public spirit, and the act of March 3d, 1891, authorizing reservations by the president's proclamation, resulted. This it was my work to make effectual, and so I did to the best of my ability.[19]

Noble commended President Harrison who, although he did not initiate forest legislation, never failed to approve and establish any reservation that Noble proposed.

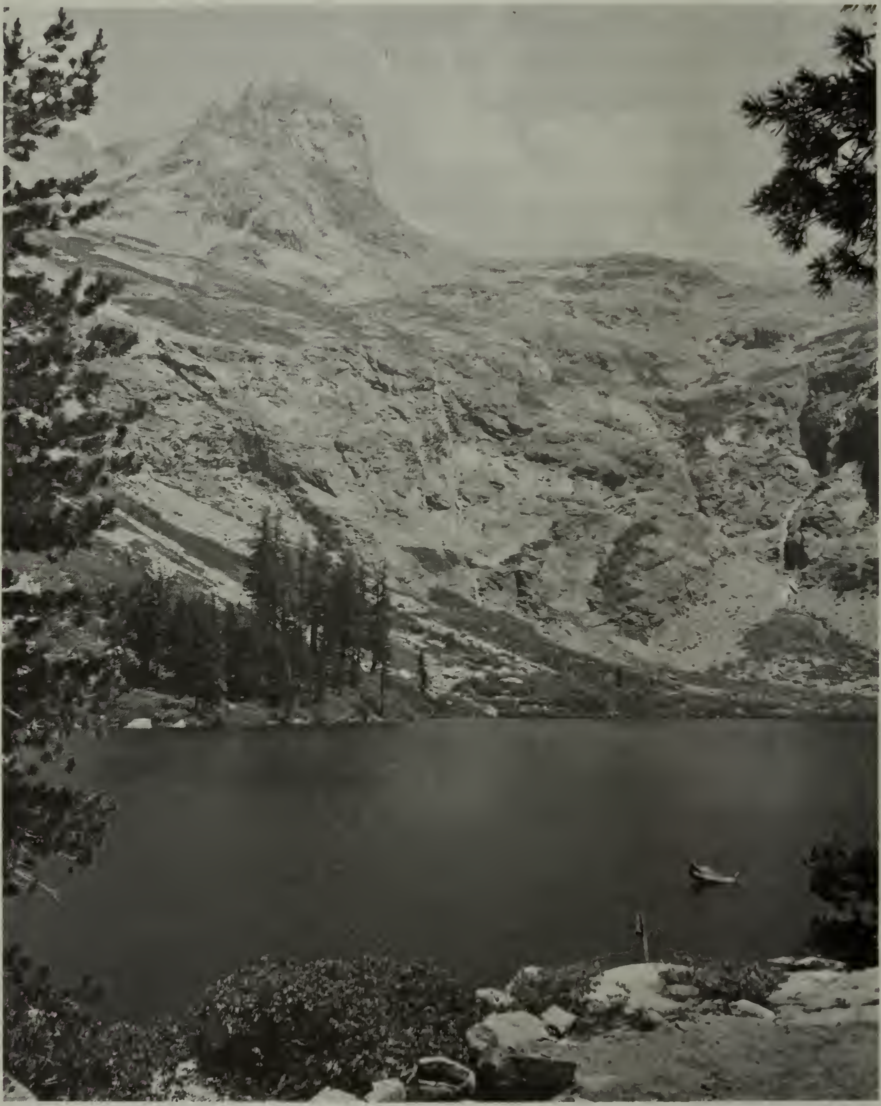
After the Forest Reserve Act had become law, the Commissioner of the General Land Office, Thomas H. Carter, wrote on October 10, 1891, to Special Agent B. F. Allen in California, requesting that he investigate a proposed forest reservation in the Sierra.[20] Contained in the same letter was the Tulare County petition of 1889! Where it had been for nearly two years is a mystery, but somehow it had fallen into the hands of B. E. Fernow, chairman of the Executive Committee of the American Forestry Association and Chief of the Division of Forestry of the Department of Agriculture. Fernow had forwarded it to the Department of the Interior where it arrived on October 1, 1891.[21] Thus, in the end, the Tulare County petition was responsible for the investigation of the proposed Sierra reserve.

In an otherwise reliable article, "The History of the Sierra Forest Reserve," that appeared in the Bakersfield *Morning Echo* of June 13, 1902, it was asserted that Great Lakes lumber interests were responsible for resurrecting the lost petition with the design of excluding potential competition. Already, according to this account, these lumber interests had made application for tracts of some of the finest timber lands in the Sacramento land district and then had arranged for their suspension from entry. Supposedly their intention was to revoke the suspension when they wanted to use the land by perfecting the old claims or by making new entries. There is no doubt that lumber interests tried to promote their own ends by manipulation of government land laws. No clear evidence, however, has been uncovered to substantiate this claim that lumber interests were responsible for the discovery of the lost petition and for its reception by the Department of the Interior.

The petition explained that the San Joaquin Valley had been barren until irrigation was provided by private individuals during the 1870's. Fresno County had experienced particularly rapid growth and already appeared destined to control the raisin markets of the world. Wines and fresh and dried fruits were also of growing importance. But, the petition continued, this budding prosperity depended on protecting the source of water which was endangered by timber speculators in the low mountains and by countless sheep in the high mountains. The petition requested, therefore, that the government reserve and protect a tract of land covering over two hundred townships (or more than seven thousand square miles)—a tract running roughly from township one south, ranges eighteen to twenty-four east, to township twenty-eight south, ranges twenty-eight to thirty-six east, Mount Diablo base and meridian.[22] It was essentially this area that Allen was to investigate.

Allen proceeded directly to Visalia where he interviewed the Register and Receiver of the United States Land Office and a number of interested, informed local citizens. He immediately came to the conclusion that it was advisable "*at once*" to withdraw from entry all lands embraced within the proposed "Tulare Reservation" to avoid speculation and blackmail by those who would initiate claims and entries upon the land to embarrass the goverment.[23] In reply, Commissioner Carter withdrew 230 townships in the proposed reserve, pending investigation.[24]

Allen soon discovered that part of the proposed reserve was already incorporated in the national parks and that several townships on the western boundary were largely privately owned. He requested the aid



Courtesy of the National Park Service

Hamilton Lake toward Kaweah Gap

of a surveyor to assist in the difficult job of establishing boundaries in the very rugged terrain, but no funds were made available. He carried on alone, but the December snowstorms drove him from the high mountains and delayed his investigation until the following spring.

In the meantime the withdrawal from entry of such an extensive area met with some protest. Antipark associations sprang up in Tulare, Fresno, and Kern counties and argued that great injury would be done the material prosperity of the valley.[25] Sheepherders in particular were adamant in opposition and appeared before a Fresno County Board of Supervisors' meeting to request that a petition be sent to Secretary Noble in protest.

Allen countered by writing Commissioner Carter that the sheepmen were about the only ones in opposition and that they were primarily Italians and Frenchmen who did not own land, speak English, or pay many taxes.[26] In brief, he complained that foreign sheepmen were growing rich by pasturing sheep on government land which they damaged severely by permitting overgrazing and by setting fires.

The great majority of local valley residents either approved or were neutral about the vast withdrawal of land. The Tulare City Board of Trade gave unqualified approval of the withdrawal, pending the inauguration of a better system of disposing and controlling government land.[27] Abbott Kinney, former Chairman of the State Board of Forestry, explained that the Porterville sheepmen's position was not justified since the Forestry people were anticipating the "legitimate" development of the forest reserves of the Sierra.[28]

Early in February, 1892, Robert Underwood Johnson of *Century Magazine* suggested to Secretary Noble that the whole of the Sierra Nevada above a certain altitude be reserved by President Harrison: "This would not be reserved for Park purposes, of course, but to save water supply for irrigation below and to preserve timber."[29] Johnson thought that Congress could devote part of the land to park purposes at a later date when time was not so pressing, for he still wanted a large national park incorporating the southern Sierra. Noble in turn sent the letter to Commissioner Carter with a request for a report on Johnson's recommendations. Carter replied in March that the area Johnson proposed for a park was safely protected as long as the withdrawal of land remained in force.[30] He noted, however, that the reservation of forest lands on both sides of the Sierra, as well as in the Rocky Mountains, had received only limited attention due to the scarcity of agents available to investigate proposed reservations.

After examining the boundaries of the proposed San Gabriel Reserve in Southern California during the winter, Special Agent Allen returned in May, 1892, to his study of the Tulare Reserve. This he pursued until he was ordered to report to San Francisco in early August. He wrote that he had investigated almost all of the proposed boundaries and soon could submit his final report.[31] In view of the many private interests involved in the proposed reservation, he recommended that the boundaries be established as soon as practicable. Allen stressed that even though the territory had been withdrawn from the market, the proposed reservation was unprotected from timber and grazing interests.[32] On the strength of this argument, he was permitted to return to his investigation and was urged to complete it at the earliest possible date. Secretary Noble was particularly anxious to have the report completed in time for President Harrison to proclaim the establishment of the reserve before leaving office.

In December, while again in San Francisco, Allen was invited by the attorney, Warren Olney, to a meeting of the newly established Sierra Club, a conservation organization dedicated to the exploration, enjoyment, and protection of the Sierra Nevada. Allen presented his report, listened to suggestions by Muir and others, and made a special point of his alarm over the political influence of the wealthy sheepmen.[33] The Sierra Club membership agreed on the need for the reservation, and as a result of the conference, Olney wrote to the governor of the state. He assured him that Allen's report was accurate and that there was absolutely no opposition to the reservation except that of the sheepmen and of those interested in the timber. This was essentially true, for the High Sierra had no known economic value.

Allen had succeeded in eliminating a great deal of potential opposition by redrawing the boundaries of the proposed reserve that was originally withdrawn from entry in November, 1891[34]. The original withdrawal of land—a tract roughly one hundred seventy miles by fifty miles—had extended into the foothills and valleys on both sides of the mountains. Allen recommended reduction of the area under temporary withdrawal, primarily on the east side of the Sierra where he suggested that the boundary be set back six miles. This would release an entire tier of townships comprising some valley land and extensive foothill land, part of which was cultivable. He also recommended cutting back the northern boundary and making additional reductions in Fresno and Kern counties.

Allen completed and sent his report to the Commissioner of the General Land Office early in January, 1893[35]. He stressed the absolute dependence of the future growth of the economy of the San Joaquin Valley upon the protection of the watershed in the proposed reservation. Noteworthily, however, he also emphasized the scenic attractions of the region by concluding that

> It would be the part of wisdom to set apart this wonderful region as a public park for the use of all the people of the United States, even if there were no question of irrigation or other social or economic problem involved.[36]

Allen was among a small but growing minority of Americans who advanced the idea of preserving land purely for its scenic and recreational qualities—the idea that eventually gained Congressional recognition through the National Park Service Act of 1916. Secretary Noble received Allen's report enthusiastically, and after a month's persistent effort was able to announce on February 14, 1893, that the President that day had signed a proclamation establishing the Sierra Forest Reservation.[37]

The creation of the reserve, however, did not automatically provide for the protection of the watersheds within its boundaries. The Forest Reserve Act of 1891 had failed to provide for the administration necessary to protect the land set aside. Lumbermen and sheepmen continued to treat it as unreserved public domain. In 1894, a Special Agent of the General Land Office, T. P. Lupkin, reported that an agent had been sent to the San Gabriel Forest Reserve to stop the depredations of the sheep, but that after a few days he had returned to Washington to report failure[38]. After all, what could one man do in millions of acres against seasoned sheepherders who knew the terrain and remained primarily in remote areas?

In response to a request of Secretary Noble, the Secretary of War had provided troops to protect the national parks of California, but they were neither authorized nor adequate in number also to patrol the forest reserves. The gravity of the problem became abundantly clear when Captain James Parker, Acting Superintendent of Sequoia National Park, investigated the High Sierra country during June, 1894. The trip itself was difficult because the sheep had destroyed almost all the feed needed for Parker's pack animals. Parker posted a hundred notices that had been sent him by Noble to warn trespassers to stay off the newly created Forest Reserve, but they were torn down immediately.[39] There seemed to be more sheep than ever before. Professor William Dudley, who explored in Tulare County on both sides of the Great Western Divide in the southern half of the Sierra Forest Reserve, reported in 1896 that there was no protection against fire, timber thieves, or sheepherders.[40] Logging was minimal, but sheepherders, with nowhere else to go, still used their traditional grazing grounds.[41]

The Sundry Civil Appropriations Act of June 4, 1897, provided for a first step in the overall administration and protection of forest reserves, but it did not appreciably change the prevailing situation. The Secretary of the Interior was granted authority to make rules and regulations for the forest reserves, but the General Land Office retained effective jurisdiction. Even though earlier legislation dealt in part with fire and timber trespass, no laws or regulations specifically dealt with unauthorized grazing on public lands either within or outside of forest reserves.

Local cattlemen who used the same region as the sheepherders in the low mountains had the support of the local community. Responding to pressure, the General Land Office Commissioner ruled on June 30, 1897, that the pasturing of livestock other than sheep would not be interfered with so long as it was neither injurious to the forest nor to the rights of others.[42] No ruling could be enforced, however. B. F. Allen, now the first Special Forest Agent and Supervisor in charge of forest reserves in California and Arizona, had only four assistants to help administer ten million acres, an impossible task.

In 1898 the General Land Office Commissioner permitted sheep to graze on private lands within the California forest reserves if they were guided to and from the prescribed areas. Since the guide often cared little where the sheep grazed, this ruling failed to improve the situation materially. Even when Allen and his assistants caught trespassers, they had neither the support of Washington nor local sympathy if a local man were involved. There were in fact no limitations on stock, no grazing fees, and no established seasons.

The forest reserves did not begin to receive adequate protection until sufficient funds and personnel were finally authorized. This occurred only after Gifford Pinchot became Chief Forester and the forest reserves were transferred (1905) from the jurisdiction of the General Land Office to the Forest Service in the Department of Agriculture. Two years later Pinchot changed the name "forest reserve" to "national forest" and established a policy based on the principle of *controlled use of natural resources* that replaced the earlier preservation policy of the Department of the Interior.

The Sierra Forest Reserve has continued to be of vital importance to the farming economy of the San Joaquin Valley and has gained increasing importance as a wilderness area by virtue of its outstanding scenic and recreational values. Muir's proposal for a large national park in the Southern Sierra eventually bore fruit with the enlargement of Sequoia National Park in 1926 to include Kern Canyon and with the establishment of Kings Canyon National Park in 1940. Both incorporated land originally preserved in the Sierra Forest Reserve. The reserve itself has undergone many changes, including minor additions during the administration of President Theodore Roosevelt. It was reorganized in 1908 and is today a part of several extensive national forests.

The farsightedness and persistence of George Stewart, John Muir, Robert Underwood Johnson, the American Forestry Association, John Noble, B. F. Allen, and a few others, paid handsome dividends to the nation as a whole. To all of them we owe a debt of gratitude.

NOTES

1. See the author's "A History of Sequoia National Park" (unpublished dissertation, Syracuse University, 1964); Holway R. Jones' first volume of a history of the Sierra Club entitled *John Muir and the Sierra Club: The Battle for Yosemite* (San Francisco: Sierra Club, 1965); and Francis P. Farquhar's *History of the Sierra Nevada* (Berkeley and Los Angeles: University of California Press, 1965), pp. 201-216.

2. *The Quiet Crisis* (New York: Holt, Rinehart, and Winston, 1963), p. 54.

3. Hans Huth, "Yosemite: The Story of an Idea," *Sierra Club Bulletin*, XXXIII, (March, 1948), 47-78.

4. "God's First Temples," Sacramento *Daily Record-Union*, February 5, 1876.

5. *Annual Report of the Secretary of the Interior*, 1879, I, 29-30.

6. See in particular the editorials of April 25, August 22, and September 12, 1889.

7. An excellent brief account of these early efforts in 1889 is contained in the Bakersfield *Morning Echo*, June 13, 1902.

8. Visalia *Delta*, October 10, 1889.

9. March 27, 1890. See also the editorial of June 12, 1890.

10. *U. S. Statutes at Large*, XXVI, 478, 651.

11. Stewart's efforts were limited to Sequoia National Park. Other people were responsible for the creation of Yosemite and General Grant.

12. Visalia *Delta*, editorial, April 16, 1891.

13. John Muir to Robert Underwood Johnson, May 18, 1891, Robert Underwood Johnson Papers, Bancroft Library, University of California, Berkeley (cited hereinafter as Johnson Papers); see also Muir's map (Item 1068) in the same collection.

14. Robert Underwood Johnson, *Remembered Yesterdays* (Boston: Little, Brown and Co., 1923), pp. 293-294; see also John W. Noble to Johnson, September 14, 1891, Johnson Papers.

15. "A Rival of the Yosemite," *Century Magazine*, XLIII (November, 1891), 97.

16. Wm. S. Brown and S. B. Show, *California Rural Land Use and Management* (United States Department of Agriculture, Forest Service, California Region, 1944), pp. 193, 209-210.

17. E. Louise Peffer, *The Closing of the Public Domain: Disposal and Reservation Policies 1900-1950* (Stanford: Stanford University Press, 1951), p. 15.

18. *U. S. Statutes at Large*, XXVI, 1095.

19. Noble to Johnson [May 14, 1908], Johnson Papers.

20. General Land Office Records, National Archives, Record Group 49 (cited hereinafter as R. G. 49).

21. See pencilled note in Fernow's handwriting on the outside of the petition, Sierra National Forest File, Box 143, Part VII, R. G. 49. The petition again disappeared after 1893 and apparently was not found until the author discovered it clipped beneath material concerned with the Madera Sugar Pine Company.

22. A township is a six mile square and thus contains thirty-six square miles. Each square mile contains 640 acres.

23. B. F. Allen to the Commissioner of the General Land Office, October 28, 1891, R. G. 49. Allen had experienced difficulty over the land claims of the Kaweah Cooperative Colony in the Giant Forest of Sequoia National Park and was particularly aware of the problems of private land claims.

24. Certified copy of a letter from Carter to the Register and Receiver at Visalia [November 5, 1891], Francis P. Farquhar Papers, Bancroft Library.

25. "The Anti-Park Association of Tulare County, December 23, 1891," Sierra

Forest Reserve File, George W. Stewart Papers, Tulare County Free Library, Visalia.

26. Received March 30, 1892, R. G. 49.

27. Resolution of the Board of Trade of the City of Tulare to Secretary of the Interior Noble, January 18, 1892, R. G. 49. Even the *Inyo Index,* March 30, 1892, representing interests in Owens Valley, approved of the withdrawal and only requested that the most eastern tier of townships which contained some irrigated farm land and which was devoid of timber be excluded from the proposed reservation.

28. Abbott Kinney to John W. Noble, January 31, 1892, National Park Service Records, Record Group 79, National Archives (cited hereinafter as R. G. 79).

29. Robert Underwood Johnson to Noble, February 10, 1892, R. G. 49. Johnson stated that Senator George Hearst of California first suggested the idea to him in 1890.

30. Rough draft of a report [from Commissioner Thomas H. Carter, General Land Office] to the Secretary of the Interior, March, 1892, R. G. 49.

31. Allen to Commissioner, General Land Office, August 10, 1892, R. G. 49.

32. Allen to Noble, August 27, 1892, R. G. 49.

33. Warren Olney to the Governor of California, December 21 and 26, 1892, R. G. 49. See Olney to George W. Stewart, September 30, 1913, Stewart Collection, California Room, California State Library, Sacramento.

34. "Great Sierra Reservation," *Inyo Index,* December 28, 1892.

35. January 4, 1893, National Forest File Box 143, Part VII, R.G. 49. A copy is in the Robert Underwood Johnson Papers, Bancroft Library. The report was accompanied by the original 1889 petition sent from Fresno.

36. *Ibid.*, p. 5.

37. *U. S. Statutes at Large*, XXVII, 1059. Noble was responsible for changing the name from the Tulare Reserve to the Sierra Forest Reserve.

38. Brown and Show, *California Rural Land Use and Management*, p. 217.

39. James Parker to the Secretary of the Interior, July 10, 1894, R. G. 79.

40. "Forest Reservations: With a Report on the Sierra Reservation, California," *Sierra Club Bulletin*, I, (January, 1896), 254-257.

41. See Mary Austin, *The Flock* (Boston: Houghton, Mifflin Co. [1906]), chapter nine, for a sympathetic explanation of the plight of the sheepherders in the forest reserves and national parks of California.

42. Brown and Show, *California Rural Land Use and Management*, p. 219-221.

EDITORIAL NOTE

The editor wishes to correct two errors appearing in Volume XLV of the *Quarterly*.

In the article "The *Camanche*: First Monitor of the Pacific" (June, 1966, number), Captain Douglas McDougal was described as the father of Charles J. McDougal, the first captain of the *Camanche*. According to Mrs. Henry C. Carlisle, a granddaughter of Charles McDougal, Douglas C. McDougal was Charles' son who died a few years ago.

In the New Books section (December, 1966, number), the review of *The Golden State: A History of California* was incorrectly introduced. The authors of this fine volume are Andrew F. Rolle and John Gaines; and the correct title is *The Golden State*, not *Golden California*.

THE EDITOR

The California Wine and Grape Industry and Prohibition

By John R. Meers

The efforts of the California wine and grape industry to oppose prohibition merit investigation because of all the economic interests affected by prohibition the wine industry was the most unique.[1] It was unique because the industry sought to claim special consideration for itself alone, both for economic and moral reasons, as against all other segments of the liquor industry. In doing so, however, the wine and grape industry found itself continually in a dilemma, for the industry was never able to disassociate itself from the rest of the liquor industry that controlled its distribution outlets. The wine and grape industry was also unique while prohibition was in effect. Despite the fears of many of the grape growers that prohibition would bring economic ruin, during the early years of prohibition at least, the growers profited much more than they had before prohibition. Prohibition brought on a tremendous demand for grapes for homemade wine.

This study therefore concerns itself with the attempts of the California wine and grape industry to prevent prohibition and with the extent to which the industry asked for special consideration from prohibitionists. In speaking of the California wine and grape industry, this study refers to the industry as represented in the words, actions, and deeds of its spokesmen. These spokesmen were the biggest vineyard and winery owners, the California State Board of Viticultural Commissioners and the Grape Protective Association.

A key means that the wine and grape industry used to oppose prohi-

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bition was to try to educate the public to its view through various publications and statements. These publications and statements in themselves reveal how the industry felt about its special position. The industry attempted to appeal to the pride of the people of California through the argument that the Mission Fathers brought the grape vine to California and that to attack wine drinking would be to attack Father Junípero Serra himself. The industry also pointed out that the state government had done much over the years to foster vineyards and wineries in California.[2]

Furthermore, wine spokesmen stated that California was the one state in the Union able to grow the premium European type wine grape. Grapes grew especially well in the agricultural areas of the state little suited for anything else. For example, in the foothill and mountain areas of Napa and Sonoma counties the topsoil was sandy and only two feet deep. The farmers had tried several agricultural uses for the land, such as fruit trees and stock grazing, without success. Because of its unique root structure, however, the grape vine thrived on the conditions not suitable for other agricultural uses.[3] Wine spokesmen went on to point out that the grape industry represented an investment of $150,000,000 and vineyards comprised 360,000 acres of agricultural land.

The three branches of the grape industry were wine, table, and raisin grapes. Wine spokesmen claimed that the table and raisin grape growers would be as badly hurt by prohibition as would be the wineries and wine grape growers. The wine spokesmen said that in times of overproduction of table and raisin grapes pressing these grapes into wine was the only means of disposing of surpluses. The wine and grape industry further claimed that it would not be able to find alternative uses for grapes used for wine should prohibition take effect. They said that the alternative uses the Drys had suggested for the wine grape, such as for grape juice and grape sugar, were not feasible. The problem of what to do with California's wine grapes should prohibition take effect was different than that of the Kansas farmer finding an outlet for his grain.[4]

Moreover, the wine and grape industry opposed prohibition in principle. Complete prohibition, the industry said, was unworkable, and wine was the one true agent for temperance. Wine drinking countries, such as France and Italy, where people were accustomed to the taking of light wine with their meals did not have alcoholic problems. Not only did wine spokesmen consider wine a temperance agent, but they considered wine drinking to be morally superior to the consumption of ordinary liquor. The consumption of wine was in fact an art.[5]

The foremost apostle of this old country philosophy that advocated the use of wine as a temperance agent was Andrea A. Sbarboro, himself a native of Italy. He founded the Italian-Swiss Colony Wine Company at Asti in 1881.[6] He was influential in San Francisco business circles as head of the Italian-American Bank and as a president of the Manufacturers and Producers Association of California. In 1908 Sbarboro published a series of letters from our consuls in wine drinking countries stating that alcoholism was practically unknown there.[7]

To help foster his views, in 1908 Sbarboro founded the California Grape Protective Association. This became the chief organization in the industry's fight to prevent prohibition. Although the association represented itself as speaking for all of the grape growers, it was, in fact, dominated by the wine interests.[8]

In 1913 the Grape Protective Association initiated the legislation that established the California State Board of Viticultural Commissioners. The stated purpose of the commissioners was to encourage all branches of the viticultural industry in the state. As with the Grape Protective Association, however, wine interests rather than table and raisin grape growers dominated the commissioners. The commissioners appointed Edgar F. Sheehan, a Sacramento journalist, as full time secretary and executive officer. Sheehan prepared a roster of fifteen thousand grape growers in the state and organized them into a more cohesive unit.[9]

When effective prohibition efforts began in the state in 1914, the problem that faced the California wine and grape industry was to protect itself but not to become associated with the saloon and unsavory aspects of the liquor interests. The wine industry never fully achieved this goal. In 1914, for example, the attorney for the Grape Protective Association, Theodore A. Bell, argued in behalf of all liquor interests when he debated with Daniel M. Gandier, superintendent of the Anti-Saloon League in California, about the Hobson Amendment for national prohibition.[10]

In the 1915 state legislature, however, Bell spoke for the wine growers in proposing a comprehensive temperance measure to regulate the saloon. Here it appeared that the wine interests were out to break with the saloon.[11] Instead the wine interests reconsidered and threw their support to an amendment from Assemblyman Bismarck Bruck of Napa. This amendment would have held the state liable for paying damages that any liquor, wine, or beer interests might incur from prohibition. The Wets strongly supported the measure, but the Drys defeated it by a slim margin.[12]

The Drys placed two prohibition amendments on the ballot for the November, 1916, state election. The first of these was a bone dry amendment for complete prohibition by 1920. The other amendment was an Anti-Saloon measure that the Drys claimed recognized the position of the wine industry. The Wets felt, however, that this amendment was confusing and poorly thought out.[13] The measure forbade the selling of alcohol in any public place or store. The measure did permit the use of wine in the home, but the only means by which the manufacturer could deliver his product to the purchaser was in quantities of two gallons or more.[14] The law in effect meant that wine could be produced in California but could more easily be obtained out of state.

The wine industry united with all of the Wets in the campaign to defeat the 1916 prohibition amendments. The industry spent heavily in the campaign, and its spokesmen made many public speeches and distributed a great deal of literature to convince the public that any prohibition against the wine industry would affect the state adversely.[15]

One point of particular interest in the 1916 campaign was the fact that the raisin growers joined actively with the wine grape growers in opposing the prohibition amendments. Their spokesman who worked with the Grape Protective Association was James Madison, vice-president of the California Associated Raisin Company of Fresno.[16] He said that prohibition would be just as harmful to the raisin industry as to the wine because the raisin industry had to dispose of 25,000 tons a year of second quality raisins in the manufacture of sweet wine and brandy.[17]

The result of the vote on the 1916 prohibition amendments was a decisive defeat for the Drys on both amendments. In the five leading wine counties of Fresno, San Joaquin, Sonoma, Napa, and Santa Clara, however, there were many more who voted for the amendment to regulate the saloon and public sale of liquor than there were who voted for the bone dry amendment.[18]

The *Pacific Wine, Brewing, and Spirits Review* termed the successful antiprohibition campaign as a harmonious effort of all the wet forces in the state.[19] As soon as the campaign was over, however, the wine industry set out to break with the saloon. In a mass meeting of the Santa Clara County Chapter of the Grape Protective Association, the grape growers stated that the people of the state had declared by their vote in the November election that they were in favor of protection of the grape and wine industry but against the saloon. The Santa Clara County grape growers were not in sympathy with the saloons and were in favor of any attempts to reform them. If the saloons could not be reformed, the association favored any means to abolish them.[20]

In the annual statewide meeting of the Grape Protective Association held in San Francisco in January, 1917, the association adopted a platform for saloon reform. The proposals for reform included limiting the extent of a saloon's distribution, elimination of manufacturers' interests in the saloon, and regulation of the hours saloons could be open.[21]

On January 26, 1917, Assemblyman George W. Ashley of Lodi introduced a bill that was practically a carbon copy of the saloon reform measures recommended at the association's San Francisco meeting. The Drys sought to pigeonhole the measure in committee, but after Assemblyman Bruck successfully moved to take it out of committee, the assembly voted the bill's passage on April 11. The bill was introduced to the senate two days later, but never got out of their Committee on Public Morals.

Almost at the same time that Ashley introduced his bill into the assembly, Senator Joseph Rominger of Long Beach introduced the Rominger Bill into the senate. This bill sought to provide for the special position of the wine industry in the state by allowing the consumption of alcoholic beverages that were below 10 percent alcohol in content. This bill did pass the senate but was turned down in the assembly by a large majority.[22]

Because of the failure of the 1917 legislature to pass any liquor legislation, the Grape Protective Association decided at a meeting on May 26 to place their own version of the Rominger Bill on the ballot in the 1918 election. This bill proposed to abolish bars and saloons, but to permit the sale of light liquors containing less than 14 percent alcohol in public dining rooms. The measure also permitted the consumption of liquor of the same strength in the home.[23]

Another meeting of the Grape Protective Association held in Lodi in August, 1917, endorsed the earlier action to go ahead with placing a bill for saloon reform on the ballot in the 1918 election. This action, however, angered certain elements of the wine and grape industry, and the Napa chapter, led by Bruck, voted seventy-five to three to withdraw from the association. The chapter charged that the table grape growers had dominated the Lodi meeeting. The grape growers, the Napa chapter said, failed to realize that the wine industry could not separate from the liquor interests. Ninety percent of California's wines went out of state, the chapter said, and the liquor dealers controlled these outlets.[24]

This difference of opinion as represented by the Lodi and Napa meetings was typical of the controversy within the wine and grape industry at that time. An editorial in the San Francisco *Chronicle*, December 31, 1917, stated that the continual encroachment of the Drys into "wet" territory under the state's Wylie Local Option Law made it clear that the Wets had to choose between light alcoholic beverages or total prohibition. The Byron *Times*, March 6, 1918, on the other hand stated that once the vineyards were isolated, they would go too. Rominger himself had stated that he would give his life's blood to outlaw beer and wine as well as spirits, but he had to settle for what accomplishments were practical at the moment.[25]

Regardless of the controversy, the Grape Protective Association went ahead with its objective to place their "Rominger Bill" on the 1918 ballot. The association needed seventy-six thousand signatures and by November 24, 1917, they had obtained sixteen thousand over the number required.[26]

Prior to 1917 the California wine industry had mainly been concerned with fighting prohibition at the state level. However, World War I gave the Drys an opportunity to establish partial prohibition through the regulation of foodstuffs used in making alcoholic beverages.[27] At this time the wine industry found it necessary to turn its attention to the national scene.

In June, 1917, the House of Representatives passed an amendment to a Presidential Food Control Bill. The amendment prohibited the use of any foods, food materials, and/or feeds in the production of alcoholic beverages. This, of course, would also have included wine. There was vigorous opposition to the entire bill in the Senate, and a compromise was reached whereby wine and beer could still be produced but all other alcoholic beverages production would be stopped.[28]

In December, 1917, the Sheppard Amendment for national prohibition passed Congress to be submitted to the states for ratification. This amendment was vigorously opposed by the Congressmen representing California's wine areas.[29]

In May, 1918, the Drys moved to stop the last refuge of the Wets by successfully passing an amendment to an agricultural appropriation bill that also prohibited the wartime manufacture of beer and wine. This was a clever move on their part, for President Wilson later stated that he would have vetoed the bill, if he could have gotten the appropriation through Congress in any other way.[30]

The passage of the amendment in the House of Representatives caused a flood of protests from California wine and beer interests. In June, 1918, Wartime Food Administrator Herbert Hoover came to the aid of the wine interests. He stated in a letter to Senator Sheppard that restrictions on wine making would do little to aid the war food effort. On July 11, 1918, the grape growers and wine makers of the state assembled in San Francisco and sent a letter of protest against the amendment to President Wilson. Those at the meeting subscribed $6,500 to send a delegation of protest headed by Sheehan to Washington. On August 4 one thousand grape growers of Sonoma County assembled in Healdsburg and also sent a letter of protest to President Wilson. The growers stated that the amendment, far from preserving food, would waste it. The growers' 24,000 acres of wine grapes could not be used for anything else.[31]

The bill as finally adopted by Congress in September, 1918, declared that the production of wine and beer must stop on May 1, 1919. The prohibition against the consumption of these beverages was to become effective July 1, 1919.[32]

In the 1918 California state election the voters rejected both the "Bone Dry" and "Rominger" amendments. As in the 1916 election, there were many in the wine counties who would have favored partial prohibition that allowed the use of beer and wine.[33] The 1918 gubernatorial election also involved Wet versus Dry politics and was of more than casual interest to the wine industry. Governor James Stephens, previously a Republican, filed as the candidate for the Prohibition Party. Theodore Bell, the wine industry's attorney, became a last minute candidate for the Democrats.[34] Bell made a good show of strength in a losing cause, and the San Francisco *Chronicle* interpreted this as a protest against prohibition.[35]

With the armistice in Europe in November, 1918, the wine industry was hopeful that the wartime restrictions on the use of wine and beer would be lifted. For all practical purposes the industry felt that the war was over. Many of the industry spokesmen, though, were confused as to just how the war would be declared to be at an end and wartime prohibition rescinded. Many of the industry leaders felt that a statement by President Wilson declaring hostilities at an end would be sufficient to lift the restrictions. Wilson, however, chose to leave the matter up to Congress. On May 20, 1919, Wilson wired Congress from Paris that he thought demobilization had proceeded to the point where the restriction on the use of beer and wine could be lifted. He requested Congress to pass legislation lifting the restrictions until the Volstead Act came into effect in January, 1920. Congress was not willing to pass the requested legislation, however; and Wilson did not want to force the issue for fear that to do so would have branded the Democrats as Wets in the 1920 election.[36]

In San Francisco, on May 26, Bell brought suit in federal court to prevent the enforcement of the wartime prohibition against beer and wine, claiming that wartime conditions no longer existed. Judge Van Fleet ruled, however, that hostilities could not be declared at an end while negotiations were still going on at the Peace Conference.[37]

During the first six months of 1919, the California wine and grape industry had been attempting to prevent prohibition through every means it could. In the legislature the legislators representing wine areas unsuccessfully sought to pass a bill that would have submitted the Eighteenth Amendment to the voters for ratification. Wine area legislators also worked hard but unsuccessfully to stop the passage of the Harris Bill providing for state enforcement of the Eighteenth Amendment.[38]

Soon after the legislature passed the Harris Enforcement Bill, the Grape Protective Association secured enough signatures to place the bill on the ballot for a referendum vote in the state election of 1920. In this election the voters rejected the Harris Enforcement Bill by a margin of 65,000 votes.[39]

The attempt to nullify the ratification of the Eighteenth Amendment by a referendum vote in California was part of an overall strategy mapped out by Bell. He sought by referendum vote to invalidate a sufficient number of the ratifications in several of the states to bring the total number of ratifications below the three-fourths necessary.

Bell's legal procedure was to file a court injunction, where it was necessary, to stop the enforcement of prohibition and in turn bring suit to force a referendum vote. As a legal basis for doing this he would cite the 1915 Supreme Court ruling in the Case of *Davis* vs. *Hildebrandt.* This ruling granted the right of the people of a state to accept or reject by referendum vote any action of their legislature.[40] Bell and the Grape Protective Association did not realize their objective, but they obtained referendum votes in California, Ohio, Maine, and Washington.[41]

During the entire time that the wine and grape growers had been fighting prohibition, they had been making the best of the situation, and in many cases reaping the benefits from the state by state encroachment of prohibition. From 1909 to 1913, the average price received by a grape grower for his grapes was $10.00 a ton. As more of the Eastern states became Dry an increased demand for carload shipments of fresh California grapes arose. Consequently, the growers received better prices for their grapes. In 1917 grape growers received from $22.00 to $30.00 a ton for dry wine grapes and from $12.00 to $15.00 a ton for sweet wine grapes. This latter category included table and raisin grapes. Whereas in the 1916 election the Grape Protective Association cited the grape industry as bringing $30,000,000 a year income to the state, in 1917, the total revenue was $68,000,000.[42]

The relation between the rise in grape prices and the rise in carload shipments going East is shown by the following figures. In 1916 growers shipped 10,741 carloads East (at that time an amazing amount). In 1917 this increased to 16,564 carloads, including 4000 carloads of wine grapes. In 1918 this rose to 18,189 carloads, including 6000 carloads of wine grapes.[43]

Prior to prohibition, therefore, the grape industry had some inkling that there could be a market for grapes for homemade wine. Most wine and grape growers, however, did not think that the demand would ever be sufficient to handle the grape surplus caused by total prohibition.

In anticipation of prohibition, the only significant uprooting of vineyards in 1919 took place in Southern California. In Northern California, in Napa and Sonoma Counties in particular, the growers felt that there was little else they could grow on their land.[44] Furthermore, the growers had an attitude of wait and see. They wanted to hold on to their vineyards until prohibition definitely came.

In June, however, agents began to arrive from the East and offer the growers $30.00 a ton when the grapes were harvested in the fall. These agents would solicit orders, principally from the foreign born in the Eastern cities experienced in making homemade wine, and arrange for pool car shipments.[45]

Most of the growers were clever enough not to sign a future contract for their grape crop too early, so that in 1919 the growers received outstanding prices for their grapes. The average price paid per ton for all varieties of grapes was $55.00. In many cases wine grapes brought $85.00 a ton. In all, the grape growers shipped 22,000 carloads East compared to 18,000 in 1918. The total receipts to the grape growers for the year amounted to $74,000,000.[46]

When the prohibition against the manufacture and sale of wine and beer took effect on July 1, 1919, the wine-making industry attempted to go out of business as best it could. The California Wine Association, the largest company, had already started to liquidate some of its holdings by the end of 1918. None of the companies had successfully developed alternative outlets for the wine grapes such as wine vinegar, grape juice, and grape syrup. One plan to establish a series of floating wineries and crush grapes en route to Japan was given consideration but never carried through.[47]

Although the use of grapes for homemade wine had made possible an extremely good year for the grape growers in 1919, the industry feared that the making of wine in the home would not be permitted when the Volstead Act became effective in January, 1920. Two rulings by the Bureau of Internal Revenue of the Treasury Department on June 3 and October 14, 1920, dispelled this fear and paved the way for another good year for the California grape industry. These rulings stated that up to 200 gallons of non-intoxicating cider and fruit juices could be made in the home each year. The rulings interpreted nonintoxicating to mean "non-intoxicating in fact," and not necessarily less than the one-half of 1 percent specified in the Volstead Act.[48]

Robert L. Nougaret, the new state viticultural commissioner appointed by Governor Stephens, wrote in June, 1921, that the predictions of ruin to the California grape crop had not come true and that in 1920 the growers were prosperous beyond belief. The preoccupation of the grape industry with shipping its grapes East meant that the industry had not worked to develop any of the alternatives originally suggested for the use of the grapes. As of 1921 the problems of the industry were not how to combat the ruin caused by prohibition, but how to cope with the problems created by such a favorable situation. These problems were the danger of overproduction due to greatly increased plantings, boxcar shortages, and foreign competition attracted by the lucrative Eastern market.[49]

The fact that the California wine and grape industry had worked so hard to prevent prohibition became, therefore, in 1920 a paradox. The very prohibition the industry had sought to prevent worked to its advantage. Where the wine and grape industry had maintained that it, of all the alcoholic beverage industries, was the one that prohibition would hurt the most, it was the only one that prospered because of prohibition.

The prosperity of the grape growers continued until 1927. So many grape growers had planted grape vines by that time that prices for grapes became seriously depressed from overproduction. Where in the first six years of prohibition the growers had been content to reap the benefits of prohibition, they now became in favor of repeal. Repeal would assure the grape industry a more orderly market for its grapes, for wineries could crush the surplus.[50]

The year 1927 was, therefore, a year that once again brought the wine and grape industry into partnership with the liquor and beer forces. The wine industry has maintained this alliance ever since. Ironically, the industry's eagerness to take advantage of its own special situation brought on the overproduction that in turn brought the wine industry back into alliance with the other liquor forces.

NOTES

1. In speaking of the wine and grape industry during prohibition, for all purposes one is speaking of the California wine and grape industry. Ninety percent of the country's wines came from California at that time: California Department of Agriculture, Crop and Livestock Reporting Service, *California Fruit and Nut Crops, 1909-1955* (Sacramento, 1956), p. 24.

2. California Grape Protective Association, *How Prohibition would affect California* (San Francisco, 1916).

3. Walter W. Woehlke, "The Grape and Prohibition," *Sunset*, XXXVII (October, 1916), 9.

4. California Grape Protective Association, *How Prohibition would effect California.*

5. Frona Eurnice Wait, *Wines and Vines of California: A Treatise on the Ethics of Wine Drinking* (San Francisco, 1889). This book was endorsed by the State Viticultural Commission.

6. Ernest Peninou and Sidney Greenleaf, *Winemaking in California III, The California Wine Association* (San Francisco, 1954), p. 14.

7. Andrea Sbarboro, *Temperance versus Prohibition*, (San Francisco, 1909).

8. The officers were Sbarboro, president; Clarence J. Wetmore of the California Wine Association (the dominant wine company), vice-president; Horatio F. Stoll, secretary. Members of the board of directors included Theodore Gier, Oakland winery owner; Clarence H. Wente of Wente Brothers; and Frank T. Swett, winery owner from Martinez. See Horatio F. Stoll, "The Founding of the Grape Protective Association," *California Grape Grower*, I (December, 1919), 2.

9. California State Board of Viticultural Commissioners, *Report for the Years 1913-1916*, (Sacramento, 1916), pp. 6-9.

10. Daniel M. Gandier and Theodore A. Bell, "Debate on the 1914 Prohibition Amendment, Berkeley, 1914," MS, Bancroft Library, University of California, Berkeley.

Bell was the chief attorney for the wine industry and the Grape Protective Association. He originally came from Napa where he was at one time county district attorney. See Edward F. O'Day, "Theodore Bell," *Town Talk*, XXXIII (October 12, 1918), 23.

11. Gilman M. Ostrander, *The Prohibition Movement in California, 1848-1933* (Berkeley and Los Angeles, 1957), p. 136.

12. California State Assembly, *Journal of the Assembly, Forty-First Session, 1915* (Sacramento, 1915), p. 1629.

Bruck was the most active legislator for the wine intrests. He was assemblyman from 1915-1921. He was influential in the state. In 1916 he was president of the 20,000 member Native Sons of the Golden West, and was also president of the Grape Protective Association from 1916-1917. See St. Helena *Star*, May 5, 1916, p. 38.

13. Ostrander, *Prohibition in California*, p. 126.

14. State of California Secretary of State, *Proposed Amendments to the Constitution for the General Election, November 7, 1916* (Sacramento, 1916), p. 3.

15. *Pacific Wine, Brewing and Spirits Review*, LVIII (December, 1915), 25; LX (February 1918), 10.

This was the most useful source to find the overall picture of the wine and grape industry's fight against prohibition. It contained frequent articles by the industry's spokesmen.

16. Madison's company represented 90 percent of the state's raisin growers. See Edith Catharine Meyer, "The Development of the Raisin Industry in Fresno County" (Unpublished M.A. thesis, University of California, 1932), p. 85.

17. State of California, Secretary of State, *Proposed Amendments to the Constitution, November 7, 1916* (Sacramento, 1916), p. 6, 7.

18. California Secretary of State, *Statement of the Vote, November 7, 1916*, pp. 31, 32.

19. *Pacific Wine, Brewing and Spirits Review*, LVIII (December, 1916), 31.

20. *Pacific Wine, Brewing and Spirits Review*, LVIII (December, 1916), 31.

21. San Francisco *Chronicle*, January 12, 1917, p. 1.

22. California State Assembly, *Journal of the Assembly, Forty-second Sess. 1917*, pp. 480, 1364, 1574; California State Senate, *Journal of the Senate, Forty-Second Sess. 1917*, pp. 829-831, 1156.

The 10 percent provisions of the Rominger Bill would not have helped the wine industry very much. The alcoholic content of wine is 12 to 14 percent for the dry wine and up to 22 percent for the sweet wine.

23. *Pacific Wine, Brewing and Spirits Review*, LIX (May, 1917), 6.

24. *Pacific Wine, Brewing and Spirits Review*, LIX (May, 1917), pp. 6, 28, 33.

25. San Francisco *Chronicle*, December 31, 1917, p. 14; Byron *Times*, March 6, 1918, p. 8.

26. *Pacific Wine, Brewing and Spirits Review*, LIX (November, 1917), 8.

The *Pacific Wine, Brewing and Spirits Review* and the wine and grape industry referred to this amendment as the "Rominger Bill." It was not the same, however, as the one introduced into the legislature by Joseph Rominger in 1917.

27. United States House of Representatives, 65th Cong., 1st. Sess., *Congressional Record*, LV, Part IV, 4171 (hereinafter referred to as *Congressional Record, House*).

28. Andrew H. Sinclair, *Prohibition: the Era of Excess* (Boston, Toronto, 1962), p. 157.

The Drys had agreed to the compromise to allow the use of beer and wine with the understanding that President Wilson could control their production as he saw fit.

29. *Congressional Record, Senate*, LV, Part VI, pp. 5662, 5663.

Senator Johnson actually voted for the amendment while Phelan voted against it. Johnson said he voted for the amendment to give the voters a chance to pass on it. Both Senators, however, worked for amendments to the Sheppard Amendment to exempt the wine industry from prohibition.

30. Sinclair, *Prohibition,* p. 157.

31. *Pacific Wine, Brewing and Spirits Review,* LX (June, 1918), 15.

32. *Congressional Record, House,* LVI, Part XI, 10691.

Representative Julius Kahn, of San Francisco, unsuccessfully tried to have the time extended to December 31, 1919.

33. *Statement of the Vote, November 5, 1918,* p. 33.

34. *Pacific Wine, Brewing and Spirits Review,* LX (September, 1918), 6.

35. San Francisco *Chronicle,* November 7, 1918, p. 1.

36. Sinclair, *Prohibition,* p. 149.

37. *Pacific Wine, Brewing and Spirits Review,* LX (May 31, 1919), 15.

38. For example, see *Journal of the Senate,* 43d. Sess., 1919, p. 55; also, *Journal of the Assembly,* 43d. Sess., 1919, p. 113.

39. *Pacific Wine, Brewing and Spirits Review,* LX (May 1919), 12.

40. *Davis* v. *Hildebrandt,* 241 United States Reports, 565-570.

41. *Pacific Wine, Brewing and Spirits Review,* LX (May, 1919), 19.

42. California State Board of Agriculture, *Report for 1917,* p. 206.

43. California State Viticultural Commissioner, *Status of the California Grape Industry as of 1921* (Sacramento, 1921), p. 25.

44. *Pacific Wine, Brewing and Spirits Review,* LXI (January, 1919), 6.

Professor Charles F. Shaw, of the University of California, surveyed the Sonoma County vineyards in January, 1919. He reported that of the 23,000 acres in wine grapes, only 4000 acres were good for any other crop.

45. Bailey Millard, "Paradoxes of Prohibition," *Sunset,* XLV (December, 1919), 38-39.

46. *Status of the California Grape Industry, 1921,* pp. 8, 25, 35.

47. *California Grape Grower,* I (December, 1919) 12.

In order for the wineries to produce grape juice, they had to pasteurize it—a costly process. Many of the wineries, however, pressed the juice from the grape and put it unpasteurized into airtight fifty gallon drums. This was sold for "whatever purposes desired." The grape juice eventually became wine.

48. U. S. Treasury Department, Bureau of Internal Revenue, Office of Federal Prohibition Commissioner, *Prohibition Mimeograph No. 84* (Washington, June 3, 1920) and *Prohibition Mimeograph No. 135* (Washington, October 14, 1920).

49. *Status of the California Grape Industry, 1921,* p. 12.

50. California Department of Agriculture, Crop and Live-Stock Reporting Service, *California Fruit and Nut Crops, 1909-1955,* p. 46.

The grape industry in 1922 solved the problem of lack of sufficient transportation East by utilizing carbon dioxide gas for refrigerating ships. See "Salvation for the Grape Crop," *Literary Digest,* LXXV (November 25, 1922), p. 24.

Governor Earl Warren of California: A Study in "Non-Partisan" Republican Politics

By RICHARD B. HARVEY

EARL WARREN held the governorship of California from January 4, 1943, to October 5, 1953, nearly eleven years. His service in that office, though technically under Republican auspices, was characterized by a distinct nonpartisan flavor and reflected a progressive stance not ordinarily thought of as in keeping with traditional Republicanism. Although there exists a general popular recollection of Warren as fitting that pattern, little analysis has been made of the nature and techniques of his political approach prior to his departure for Washington to become Chief Justice of the United States. This article is an attempt to meet that shortcoming.

Warren's divergence from views held by many of his fellow Republicans was especially apparent in his espousal of social legislation, primarily in the fields of health, welfare, and labor. Promotion of such liberal proposals as compulsory health insurance; extensions of social welfare, unemployment, and workmen's compensation benefits; and a fair employment practices measure resembled Democratic pronouncements in these areas. For example, while the GOP State Convention failed to mention the subject of health insurance during the entirety of Warren's administration, the Democrats endorsed it on several occasions, most notably in their 1946 platform:

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> We recommend the enactment of legislation in this state setting up a prepaid compulsory health insurance system which will guarantee the extension of adequate medical and hospital care to the citizens of our state.[1]

Such items, coupled with a vast construction program on state highways, correctional and mental health facilities—all involving extensive expenditures and a constantly rising budget—did not meet with universal favor in Republican circles. They not only induced a number of legislators of Democratic persuasion to cast their lot with the governor at different times, but were doubtless an important factor in the sizeable popular vote he received from that party in each gubernatorial election. Seeking the Democratic nomination as well as his own in three successful tries for the top California office, Warren captured both party primaries in 1946—the only aspirant for chief executive to do so under the famous state cross-filing system. He ran well enough on the Democratic ticket in both 1942 and 1950 to carry himself to an electoral triumph in November over his rivals. In these three primaries the Democratic votes divided in this manner: in 1942 Warren 404,778, Olson 514,144; in 1946 Warren 593,180, Kenny 530,968; in 1950 Warren 719,468, Roosevelt 969,433.[2]

To an extent, Warren was heir to the legacy left by Hiram Johnson, California's Progressive chief executive from 1911 to 1917. An independent in philosophy, although a Republican by registration—at least during most of his public career—Johnson presided over a number of enactments which reduced substantially the role played by political parties in California affairs. Included were such measures as the cross-filing sytem, permitting candidates for partisan public office to seek nomination from more than the party of their own affiliation and to construct a broad, bipartisan following in the process; alterations in the structure of official party bodies which emasculated their operations; introduction of formal nonpartisanship at local levels of government, removing the partisan base for political activities in California; and institution of direct legislation through the initiative and referendum, which tended to separate many leading California issues from the parties *per se* and to place responsibility for their proposal and advancement largely with interest groups.

Swift population growth made it difficult for parties to build a stable foundation. The diverse sectional character of the Golden State impaired development of smooth-functioning statewide parties. The basis thus was substantially laid for a political milieu in which a nonpartisan appeal would likely pay handsome dividends.

THE WARREN POLITICAL APPROACH IN RETROSPECT

Earl Warren had been a Republican all his adult life. He was a party officer, serving as chairman of the state central committee from 1934 to 1936 and as national committeeman from 1936 to 1938. A favorite son candidate for President in the 1936, 1944, and 1948 primaries, he became Republican nominee for the Vice-Presidency in 1948 and spoke on behalf of the ticket in 1944 and 1952. In 1952 he openly sought his party's Presidential nomination.

Nevertheless, Warren attempted to keep partisan functions separate from governmental duties. This was his behavior in his earlier career as Alameda County District Attorney from 1925 to 1939, as California Attorney General between 1939 and 1943, and during his governorship. In a sense, he played two separate but distinct roles—party leader and public servant. The two were not to be mixed. As one authority summed it up: "Warren was a man who could carry water on either shoulder, political or official, but never at the same time."[3]

This desire by Warren to disassociate himself from partisan politics was evident from his conduct in various aspects of the state governmental process. It was exemplified by the type of campaign he undertook for the highest executive office, by the kind of advice he relied upon in formulating his programs, and by the sort of backing he secured in the legislative branch on his recommendations.

Warren carried on his gubernatorial election efforts separate from those of Republicans running for other posts, emphasizing personal accountability to the electorate. He formed his own organizations and tapped funds largely apart from more partisan sources. Said Thomas J. Cunningham, Warren's campaign chairman for Southern California in 1946:

> "Multiple service" among campaign workers was discouraged completely. Obviously there would be people for this assemblyman and that congressman, and while in their headquarters they might be carrying Warren literature that was not true to any observable extent in the Warren headquarters. There were people coming in the Warren headquarters who were voting a Democratic ticket other

> than Earl Warren, and to have had Republican literature around would have divorced them from our campaign.[4]

Concerning his financial arrangements in 1950 the governor had this to say:

> Committees in aid of my campaign were formed in southern California and in northern California and also in many counties and cities in the state. These committees independently undertook to raise funds for their activities in aid of my election. . . .[5]

In fact, a number of Democrats played prominent roles in his electoral efforts. A 1950 Northern California committee, composed solely of members of that party, contained the names of such party leaders as State Senator Hugh Burns of Fresno, State Senator Luther Gibson of Vallejo, former mayor of Sacramento Belle Colledge, Patrick McDonough, past chairman of the Alameda County Central Committee, and Clem Butler, formerly of the Sonoma County Central Committee.[6]

In his quests for re-election in 1946 and 1950 Warren criticized the opposition for trying to categorize all GOP candidates as a single group and to place all Democratic hopefuls in a united struggle against them. As he indicated in 1946, any "package deal" would be alien to customs of public life in California, "and I don't think the independent voters of California want it."[7] The governor rarely endorsed other office-seekers of his own political registration and avoided party concerns while campaigning, hoping to make substantive issues and his own record the major points of debate. Hear his words from the 1942 contest:

> I believe in the party system and have been identified with the Republican party in matters of party concern, but I have never found that the broad questions of national party policy have application to the problems of state and local government in California.[8]

Indeed, Warren hoped to avoid identification as a typical or organization Republican.

The governor made extensive use of citizen advisory bodies to develop ideas for presentation to the legislature. Generally, these conferences, committees, and commissions were representative of numerous segments of California thought, regardless of partisanship. Such conclaves were held on a variety of topics, including agricultural labor, civil disturbances, crime, educational television, employment, industrial safety, mental health, old age pensions, penal affairs, postwar problems, senile patients in public hospitals, sex crimes against children, taxation, traffic safety, water, and youth welfare. In them Warren sought to provide a forum in which all legitimate state interests might voice their convictions on current problems and revealed his penchant for obtaining widespread "grass roots" deliberations upon which his own policies could be based. Of his 1950-1951 Governor's Conference to Survey the Agricultural Resources of the San Joaquin Valley, he told a joint legislative session:

> It points the way to sensible and needed changes in the laws governing the operations of labor contractors and the inspection of farm labor housing. It deals with the welfare, health, and educational aspects of the problem. I am sure you will be able to use it as the basis for correcting many of the undesirable conditions.[9]

Furthermore, these gatherings might also help arouse extensive popular sympathy for later administration proposals.

Warren did not ordinarily seek counsel from ranking Republican or Democratic party functionaries as such. Their suggestions on any question, if elicited, were valued only as opinions of individuals with some competence to deal with the matter at hand. Most members of his official family were Republicans, although several Democrats also occupied state posts at his request. Illustrative of the latter were people such as Charles Schottland, director of social welfare from 1950 to 1953; Heman Stark, who headed the California Youth Authority after 1952; William J. Cecil, director of agriculture carried over from the previous Democratic administration and serving into 1944; Frank Durkee, who commanded the department of public works after 1951; Edwin M. Daugherty, commissioner of corporations for the duration of the Warren governorship; and Gordon Garland, former speaker of the assembly and the governor's first director of motor vehicles. Yet each agency head was selected for personal ability and not primarily because of political affiliation.

Professionalization of those high positions dependent upon his appointment was a prime Warren goal. He wished to attract persons qualified by training and experience in a specific field—an ideal that was reflected also in his utilization of lay and expert guidance in naming several department directors. Various leaders in the areas of corrections, mental hygiene, social welfare, and of the California Youth Authority were picked upon their nomination by advisory bodies set up by the governor. Illustrative of this procedure was the naming of Frank J. Tallman as director of mental hygiene in 1949 on the suggestion of a selection committee composed of the deans of the five medical schools in California. This method widened the sphere of recruitment by deemphasizing partisan considerations. Many measures sent to the legislators by Warren were conceived and developed by these agency heads and their career civil service staffs.

An absence of partisan appeal was also patent in Warren's relationship with the California legislature. In his own words, he advocated "mutual respect and separate responsibility" between legislative and executive branches. This course was designed to eliminate "blind partisanship or personal controversy."[10] He did not organize a party group or intimate "Warren clique" within either house and refrained from openly denoting his preferences for leadership in the assembly and senate. This policy he adhered to even when his personal popularity and public power were at a peak following his dramatic "double primary" win in 1946. The way was left open for such a maneuver in the assembly in 1947, following the political demise of incumbent Speaker Charles Lyon. While the governor's sympathies doubtless lay with liberal Republican Alfred Wollenberg, author of his 1945 compulsory health insurance proposal, the office went to Sam Collins of Orange County, a man of decidedly more conservative proclivities. As to the outcome, Warren simply stated that "the people are entitled to independent government. I believe they voted for that kind of government in this state at the last election."[11]

Governor Warren respected the ability of legislators to comprehend the issues facing California. He tried to formulate statutory objectives in as broad a manner as possible, allowing leeway for the lawmakers to find more definite solutions within the larger goal. Exemplary were his 1951 comments on workmen's compensation and unemployment insurance:

> The sense of security that enables men and women who work for wages to do their best, will also be enhanced if they know that adequate provision has been made for them under the workmen's compensation and unemployment insurance

programs. I urge you to examine these systems to determine whether they are fully serving the humanitarian purposes for which they were established.[12]

His foremost concern was that at least some progress be made in a given area. This was shown by his sponsorship of disability and hospitalization subventions after suffering defeat on the more comprehensive state medical insurance bill in 1945. It was also demonstrated in his reversion to a milder "persuasive" method for protecting civil rights, consisting of a commission on political and economic equality with powers only of investigation and recommendation, after rejection of a full-fledged, enforceable FEPC in 1946. What success Warren had with assemblymen and senators was attributable partly to his willingness to take "half a loaf" at one session and try for the rest at a later date.

The record discloses that his legislative policy yielded results rather handsomely in terms of bipartisan support. On many key items backed by him, Democrats in the assembly and senate gave the governor a higher proportionate support than did members of his own party. For example, on a motion to withdraw his 1945 program for government health insurance from the Assembly Committee on Governmental Efficiency and Economy for floor consideration, twenty-eight Democrats and ten Republicans lined up with the chief executive. They were overruled by a coalition of twenty-nine Republicans and ten Democrats.[13]

ELEMENTS OF THE WARREN POLITICAL APPROACH

To an extent, the political approach of Warren as governor was based upon pure political strategy. As indicated, a nonpartisan atmosphere prevailed. This certainly furnished a background for capture of public office by those willing to minimize party allegiance. The Democrats acquired a registration advantage beginning in 1934 and their numerical supremacy reached tremendous proportions at the peak of Warren's career. As an astute politician, he naturally hoped to make the most of this potentially unfortunate situation. His formula was simple: by deemphasizing Republican ties and promising nonpartisanship in managing state affairs, as well as by recommending liberal social measures, he sought to attract sufficient Democratic voters to forge a winning coalition. That strategy was highly profitable.

Warren also assumed, and apparently with good reason, that most rank-and-file Republicans would favor that type of political approach. The average California Republican likewise had comparatively lax party attachments and could be expected to agree more readily with such behavior than his fellow partisans in many other parts of the United States. It could be appreciated as an electoral weapon with which to subdue the rival Democrats, if for no other reason. As time passed, those in the GOP of more conservative and partisan bent had little alternative but to accept Warren as state chief executive.

The governor's tendency to play down party loyalty was not solely a matter of expediency. Temperamentally ill-suited for heated partisanship, moderate by nature, he tried not to arouse personal antagonisms, even in dealing with political adversaries. A man of pragmatic mentality, Warren invariably told his subordinates and associates that he must have "the facts" before acting on any question.[14] They sometimes led him along lines unorthodox for a Republican.

His practical inclination gave Warren a healthy respect for political realities. Success through accentuating a nonpartisan theme as a candidate for attorney general in 1938 was a lesson for later years. Moreover, some of his earlier experiences gave him the impressions for subsequent state programs. To Robert W. Kenny he related how illness and hospitalization in 1944, coupled with difficulties over his insurance policy, caused him to reflect further upon medical costs for ordinary citizens.[15]

Warren's prior professional life aided in shaping him for the position of California chief executive. As a law enforcement officer for many years, he was accustomed to service in nonpartisan office. This was probably a boon to his initial gubernatorial candidacy in 1942, when wartime simplified the task of an aspirant with that background. From the GOP viewpoint, a nominee with such a record also improved its own chances for capitalizing upon prevailing sentiments for unity. Warren took advantage of this set of facts. He, however, continued to abide by his nonpartisan stance for the rest of his tenure, undoubtedly to the chagrin of some ardent Republicans.

As California chief executive, Earl Warren possessed a feeling of "partnership" with the general public. Believing that accomplishment was based upon cooperative endeavor, he conceived his responsibility to be the creation of a climate in which citizens could collaborate harmoniously in attacking state problems. This article of faith was mirrored in Warren's concept of the role of government. Resorting to a football analogy, the governor rejected both the conservative notion that political authorities should be simply neutral arbiters on the field as well as the radical idea that they were the captain, quarterback, other principal players, and officials combined. Rather, the public representatives were in the contest but certainly were not the whole team. In his words:

> It is my belief that government is, in fact, the people engaged in one phase of their total activity, and that government therefore cannot remain entirely aloof from, or disinterested in, the game in which we seek to reach our goals.[16]

His post-World War II building program illustrated this idea. Such construction projects were intended to furnish additional employment opportunities for a growing number of residents at a time when industry was readjusting to normal production, aside from improvements in state facilities. In 1943 Warren observed:

> No single agency or group can guarantee a satisfactory return to peacetime conditions. The best approach will always lie in a broad and cooperative attack by private industry, business organizations, and enterprising individuals, assisted by the agencies of government. . . . Private enterprise must always have the right of way in creating jobs, and in back of private enterprise the government should stand ready to help whenever and wherever it can.[17]

It was probably inevitable that a feeling of affinity with the people would induce the governor to report conscientiously on his official deeds. Strict attention to public relations was an important factor in his wide personal popularity. In addition to periodic press conferences, monthly meetings of the governor's council were a forum for announcements on administration affairs. Warren's sense of good timing was manifest in these sessions. He spoke on conservation of natural resources as peak forest fire seasons drew near, on traffic safety before and after holidays, on school needs at the commencement of an academic year. Monthly "Report to the People" radio broadcasts were an effective device, not only for prodding the legislature, but for rendering a factual accounting to the voters. His gubernatorial campaigns and citizen conferences were also occasions for such publicity.

Warren's belief in cooperative endeavor between citizen and government was closely related to his appeal for unity among different interests in California. He appeared before numerous organizations and gatherings to emphasize it. The governor remarked to the Commonwealth Club in San Francisco:

> As in all difficult and complex undertakings in life, our postwar problems must be approached with a unity of purpose.... We can't advance by cultivating hatreds, prejudices, or engaging in needless controversy. Progress is never made by looking for things to oppose. It is made by looking for things to support.[18]

Warren commented in this vein to the legislature in 1947:

> solving these problems in the interests of a state of over nine million people is our joint responsibility. We can make a partnership of our task if we will.... In such a partnership, we should be able to find areas of agreement that will make your deliberations fruitful for the entire state.... It means we must recognize that a thorough consideration of human problems transcends partisanship. It obligates us to cooperate for the common good without regard to party, faction, or personality....[19]

The governor welcomed thoughts from interest groups, and those of nearly every complexion found him respectful of their convictions. He usually sounded out the ones most concerned when devising his legislative platforms. Yet, Warren always reserved final judgment for himself, consistent with his personal interpretation of the public welfare. In a sense, he felt obliged to represent simultaneously the corporations, small businessmen, workers, professional people, farmers, pensioners, and unorganized citizenry of California. His periodic citizen conferences brought together group representatives from many walks of life in a joint enterprise at resolving state issues.

Warren therefore came into contact with a diversity of interests in his efforts to stimulate unity among them and to acquire data necessary to develop public programs. His pragmatic mentality and desire for the facts involved a gradual digestion of varying opinion. He usually abstained from promoting any measure until all its ramifications had been investigated. This often made Warren look more a follower than a leader in offering legislation. Some of his ideas, such as state health insurance and disability subsidies under unemployment insurance, had been advanced earlier. Warren profited by the fact that his predecessor, Democratic Governor Culbert Olson, had already sponsored items like health insurance, higher old age pensions, and improved protection for workingmen. This made easier their subsequent approval, since they were not so "radical" when Warren became chief executive. Robert E. Burke put it in the following uncomplimentary language:

> Olson's most lasting contribution was that of an educator. He paved the way, through his speeches, messages and planning, for reforms achieved—or at least sought—by his successor. A popular Sacramento story, current years later, said that conservatives considered that their chief difficulties with Earl Warren stemmed from the fact that Olson had departed without cleaning out the governor's desk![20]

The purpose of cooperative action and unity was to resolve public questions more effectively. His practical bent gave Warren a preoccupation with problem solving. Perhaps his major objective was to ameliorate, by the most appropriate means, those everyday concerns facing the California populace. To quote him directly:

> My policy has been—and is—one of deciding, first of all, which problems are most urgent; and second, how they can be resolved. I try to meet, evaluate and solve the problems as they arise. I try never to let my day-to-day decisions be colored by considerations of what those decisions may mean at the next general election.[21]

The governor had some personal appreciation of these problems. A man of middle-income status, with a large family of six children, Warren was exposed to the same economic anxieties of others in his class. Moreover, he was a career public servant with apparently little intention of leaving governmental pursuits. One of his former associates reported that when Warren was Alameda district attorney he had been offered the job of chief counsel for an Oakland banking firm. He declined acceptance because it would involve work for a specific, private interest. His disposition was such that he could be satisfied only in a public post.[22]

His background and attitudes doubtless made Warren more pliant in using state machinery than most members of his party. Conservative Republican Assemblyman Harold Levering of Los Angeles maintained that Warren had already developed "progressive views" when he was elevated to the highest state office because he "had always lived off the public payroll."[23]

Thus Warren believed in moderate but constant improvement for persons of modest means through state action. Eventually he described this view by the phrase "social progress." A commentary on this theory was delivered by the governor before alumni of the College of Medical Evangelists in 1949. The topic was compulsory health insurance, which he would continue to advocate despite denunciations of his opinion on the matter as socialistic by reactionary Republicans. A distinction had to be made between socialism and social progress.

The chief executive cited earlier-day condemnations of some of our fundamental institutions as socialism. Considerable ill-will was once aroused over the notion of public schools, and attacks were launched on municipal ownership of water and power. Yet, during the depression-ridden thirties businessmen failed to cry "collectivism" regarding government loans to troubled commercial ventures, bankers found nothing revolutionary in federal guarantee of bank deposits, and farmers favored national subsidies for self-protection. A social advance was labelled radical or reasonable depending upon "whose economic needs are at stake and whose ox is being gored."

Warren spoke of the original opposition of organized medicine to the Mayo Clinic and of the expulsion of doctors from the American Medical Association for participation in some early group prepayment plans. Medical antagonism to his own health proposal was but another variant of such behavior—an objection to a state project devised to relieve human distress. He concluded:

> We have a great obligation to demonstrate that our American system has the strength and resiliency to solve any of the problems of American life.
>
> It has been said truly that if we resist improvements because they involve changes, we will eventually get changes without improvements. . . .
>
> The hope of our future depends upon our ability to convince this group [the low wage families of the nation] that our democratic processes can solve the problems of American life, including their own, better than any other system on earth.[42]

It might be implied that Warren was a man who developed in office, that his viewpoint evolved from conservative to liberal only over the course of his administration.[25] He, however, seemingly held to the principle of social progress when he first became California's chief executive, although his convictions were not then widely recognized or expressed with that phrase. True, the first 1943 program was not as progressive in tenor as those of subsequent years. The new governor probably moved at a slower pace initially in order to assess the Sacramento political climate and to avoid provoking antipathy while building support for later years. Furthermore, wartime dictated concentration on matters of defense.

Still, the praise lavished by Democratic lawmakers upon several 1945 Warren proposals gave him a liberal reputation at this early date in his gubernatorial career. Assembly minority leader Alfred Robertson of Santa Barbara said the governor had adopted several dogmas of the Roosevelt administration. "He's joined the Democratic party," Robertson held.[26] Assemblyman Julian Beck of Los Angeles, Robertson's successor, felt Warren's pronouncements that year "put the Democratic party on the spot and almost deprived it of a separate program."[27] "He's trying to out-New Deal the New Deal!," exclaimed Democratic Assemblyman George Collins of San Francisco.[28]

In varying degrees, most men are tempered in outlook by the sobering effects of office-holding, and Warren was no exception. However, a better explanation in his case than the "development in office" theory would seem appropriate. Based upon his personal character and maturation through a lengthy public career, it is plausible to assume that the doctrine of social progress was fairly well-implanted in his mind before he entered the executive mansion. Former Governor Olson indicated there was some confusion in the minds of many persons as to where Warren stood politically. Having been generally classified as a traditional Republican before his promotion to the top state post, he appeared to take on a more liberal bearing after becoming governor. A number of people rationalized that his convictions had shifted because they had erred in their initial assessment of them. However, those positions which Warren occupied earlier dealt mainly with matters of law enforcement and granted him little opportunity to voice any political creed. When he entered the statehouse he now came into an office where his views were given full vent for the first time.[29] Bernard Brennan stated the gist of it in somewhat exaggerated fashion: "Earl Warren of 1943 is the same person in beliefs as Earl Warren, Chief Justice of the United States."[30]

By embracing ideas resembling those held by many Democrats, Warren helped to categorize himself as a progressive Republican and his progressivism strengthened his nonpartisan reputation. Recommendations of a liberal nature inevitably stamped the governor as somewhat nonpartisan in that they failed to enjoy the undivided backing of GOP functionaries and legislators. In turn, this reinforced his own wish for relaxation in party connnections and caused some Republicans to take an even cooler attitude toward him. Completing the circle, his lack of enthusiastic partisanship made him and his thoughts all the more acceptable to Democratic legislators and voters.

SOCIAL PROGRESS, REPUBLICANISM, AND THE FUTURE

An interweaving of underlying precept with political adroitness in Warren's approach was unmistakable in his exhortations to Republicans to welcome social progress. The subjects discussed in their official declarations were essentially nonpartisan, calling for governmental performance on behalf of all citizens:

> The Republican party rose to a position of influence in our nation because it found the words and ideas which expressed the hopes of the average man for unity and action. This conception of party responsibility is fundamental to political effectiveness. It is essential to the continued progress of California.[31]

Governor Warren pleaded in that vein before various GOP bodies during his 1952 Presidential effort. The party would have to abide by such thinking if it was to be worthy of its own best traditions, do justice to those postulates incorporated in its official statements, and be successful at the polls.

For one thing, present-day Republicans should be deserving of the Lincoln heritage. Warren asserted in a Boston speech honoring the birthday of the Great Emancipator:

> Social progress was Lincoln's creed, and those who confuse it with socialism today are indulging in the kind of thinking Lincoln described as not being able to distinguish between a horse chestnut and a chestnut horse.[32]

He condensed his personal stand with the following Lincoln maxim: "I am a slow walker, but I never walk backwards."

This idea was also manifest in past national party documents. The governor stressed that

> These platforms set forth clearly a doctrine of social progress. It has served as a guidepost to me here in California and has assisted Republican government in this

> state to fashion forward-looking and progressive laws. I confess to amazement and even a bit of irritation when occasionally someone accuses me of not following Republican doctrine.[33]

Warren warned his fellow party members that the only road to electoral triumph was through adoption of a creed of social progress. He cautioned the state central committee in 1951 that their party "must not —as it values its life—become a party of reaction." It must occupy that area between extremes of left and right:

> Some people, becoming impatient with the rate of progress, espouse some fanatical cause or adopt a foreign ideology that by distance lends enchantment to them. Others resist all change as being fraught with danger. They hark back to the days when our country was small and economy simple—when government touched only very lightly the lives of our people.
>
> It is between these two groups—not with either of them—that the Republican party must pursue its course if it is to recruit new adherents; if it is to appeal to the great mass of voters who demand that progress be made in the solution of their individual problems, which in the aggregate constitute the problems of our day.[34]

While Republicans experienced few difficulties from a left wing, they had their troubles with the right:

> Those who would freeze our nation to the status quo with whatever inequalities go with it and those who would have our country return to what they look back to nostalgically and affectionately call the "good old days."[35]

These individuals were not as numerous as they were vocal and influential. Yet, the party would again sustain defeat unless such thoughts were repudiated.

His partisan aloofness and advocacy of progressive measures brought forth condemnation of Warren from conservative Republican circles. The same assertion made by Democratic Assemblyman Collins in 1945, that the governor was "trying to out-New Deal the New Deal," was uttered in 1946 in quite a different tone. The indictment was brought by Earl Lee Kelly, banker and a former state director of public works from 1935 to 1939. Kelly hinted that he might run against Warren:

> If our party's chosen officials are too cagey or opportunistic to go into battle wearing the party's colors, then we must either get new leaders or get ready for receivership. If Governor Warren intends to ride into battle with one leg astride

> the Republican elephant and the other clinging affectionately to the Democratic donkey, I can't help but wonder if either animal will recognize him as master.[36]

Despite his criticism, the banker declined to contest Warren in the primary.

Local party bodies occasionally sniped at the governor. A gathering of five hundred Southern California Republicans in November, 1948, shortly after Warren's loss of the Vice-Presidency, assailed his "nonpartisanship" and "New Dealism." They felt the GOP in California to be a "monstrous patchwork quilt of an organization which serves only one individual in the state." Interestingly, this group asked for elimination of cross-filing so that candidates might be nominated who "subscribe to the principles of real Republicanism."[37]

The most notable instance of rebellion against Warren by party tories came in 1952 in the Presidential preference primary. His adversaries backed a nominal opponent to the governor, Representative Thomas H. Werdel of Bakersfield. This "California Independent Republican Delegation" was highly sympathetic to the aspirations of either General Douglas MacArthur or United States Senator Robert A. Taft of Ohio. However, it was probably more anti-Warren than anything else. The governor claimed that behind Werdel lay a number of his political enemies. Included were oil interests which harbored grudges over executive-sponsored highway expansions, defrayed through gasoline and oil taxes; members of the medical fraternity fuming over recommendations for public health insurance; disappointed office-seekers; and party politicians displeased with his nonpartisan decisions.[38]

His antagonists alleged that Warren was guilty of "Trumanism" and "creeping socialism," was a Republican only by registration, had been tabbed an "outstanding governor" and "a Democrat who doesn't know it" by none other than Harry S. Truman, and had attempted four times to "socialize California medical practice."[39] Regardless of an intensive fight waged against him, Warren's popularity with Republican voters remained essentially intact. He was victorious by a two-to-one margin in this last electoral contest before his appointment as Chief Justice of the United States.[40]

There was an upsurge in Democratic fortunes at the polls in California in the late fifties. In 1958 that party won the governorship, a United

States Senate post, all major statewide partisan offices but one, a majority of both legislative houses and of the congressional delegation. Their victory was largely repeated in 1962. These triumphs constituted a reversal of the nearly uniform Republican domination of the state during this century, although they lost control of the executive branch in 1966.

There are many explanations for this rise in Democratic power, the most conspicuous being the legal alteration, followed by total elimination, of cross-filing. Candidates on every primary ballot were required to designate their partisan preference starting in 1954, which they did not do before. Results in 1954, 1956, and 1958 disclosed that the disadvantages experienced by Democrats under the former setup had largely disappeared. Under Democratic sponsorship, cross-filing was removed entirely by the 1959 legislature.[41] Furthermore, the GOP has had a statewide voluntary unit since 1934, the California Republican Assembly, to concentrate voter support behind a chosen slate. Formation of a vigorous unofficial body in 1953, the California Democratic Council, has more recently assisted that party in the same way.

These developments may create a dilemma for Republicans in years to come. The lesson taught by Warren in political strategy may become even more essential for office-seekers running under that banner in California, given this heightened Democratic competition. Yet partisan considerations are becoming more important in state public life. Thus it will be harder for most candidates and officers, especially he who occupies the gubernatorial chair, to remain as independent of such concerns as did Warren. In this sense, California may never again see an Earl Warren in Sacramento.

NOTES

1. *On the Agenda of Democracy,* Platform of the Democratic Party, adopted at the Democratic State Convention, Sacramento, California, July 20, 1946, p. 2.

2. *Statement of Vote,* August 25, 1942, pp. 5-6; June 4, 1946, p. 4; June 6, 1950, pp. 4-5.

3. Bernard Brennan, attorney of Los Angeles, Warren campaign manager for Southern California in 1946, former chairman of the Los Angeles County Republican Central Committee, interview of December 27, 1956.

4. Thomas J. Cunningham to Richard B. Harvey, April 29, 1959.

5. Campaign Statement for the General Election of 1950, November 21, 1950.

6. San Francisco *Chronicle*, October 24, 1950, p. 8.

7. Campaign Luncheon Address, April 24, 1946, in the *Warren Speeches*, State Library, Sacramento.

8. Sacramento *Bee*, April 10, 1942, p. 4.

9. *Inaugural Address of January 8, 1951* [Sacramento: 1951], p. 9.

10. Radio Address of May 31, 1946. *Warren Speeches.*

11. Sacramento *Bee*, November 27, 1946, p. 4.

12. Inaugural Address of January 8, 1951, p. 8.

13. California Legislature, 56th Sess., *Assembly Journal*, April 10, 1945 (Sacramento: [1945]), p. 1759; California Legislature, *Assembly Final History*, 56th *Sess.* [Sacramento: 1945], pp. 10-11.

14. Hon. James Oakley, former judge of the Superior Court of Sacramento County, former executive secretary to Governor Warren, former deputy to District Attorney Warren in Alameda County, and former deputy attorney general to Warren, interview of February 20, 1958; Hon. William T. Sweigert, United States District Court judge, former judge of the Superior Court of San Francisco County, former executive secretary to Governor Warren and former deputy to Attorney General Warren, interview of January 20, 1957; Hon. Beach Vasey, Judge of the Superior Court of Los Angeles County, former legislative secretary to Governor Warren, interview of May 3, 1956.

15. Mr. Kenny, now a Los Angeles attorney, was attorney general of California from 1943-1947 and was defeated by Warren for governor in 1946. Interview of December 27, 1956.

Similar views were expressed to the writer by Hon. Evelle J. Younger, now Los Angeles County district attorney, former judge of the Superior Court of Los Angeles County, former chairman of the Los Angeles County Republican Central Committee, in an interview of April 8, 1959.

16. Earl Warren, "Building for the Future in the West," *State Government*, XIX (January, 1946), 4.

17. Address to California Real Estate Association, October 7, 1943. *Warren Speeches.*

18. Address of January 7, 1944, in *Warren Speeches.*

19. *Inaugural Address of January 6, 1947*, p. 1.

20. Robert E. Burke, *Olson's New Deal for California* (Berkeley and Los Angeles: University of California Press, 1953), p. 233.

21. Oliver Carlson, "Warren of California," *American Mercury*, XLVI (May, 1948), 543.

22. James Oakley, interview of February 20, 1958.

23. Interview of February 14, 1957.

24. Sacramento *Bee*, October 8, 1949, p. 40.

25. See Herbert L. Phillips, "Warren of California," *Nation*, 174 (May 24,

1952), 495-97. Phillips does not claim this but employs the phrase in discussing the theory in his article.

26. Sacramento *Bee*, January 9, 1945, p. 1.

27. Mr. Beck is now a Judge of the Superior Court of Los Angeles County, was a judge of the Municipal Court of Los Angeles, and served for a time as legislative secretary to Governor Edmund G. Brown. Interview of May 11, 1956.

28. Sacramento *Bee*, January 9, 1945, p. 1.

29. Mr. Olson, now deceased, served as California governor from 1939-1943, being defeated by Warren in 1942. Interview of January 3, 1958.

30. Bernard Brennan, interview of December 27, 1956. Former judge Frederick F. Houser of the Los Angeles County Superior Court, and lieutenant governor of California under Warren's first term from 1943-1947, disagrees with this argument. He felt that Warren's viewpoint was quite conservative until his elevation to the governorship. His past record indicated this. He was boosted politically in Alameda County and thereafter primarily by the Knowland family and their Oakland *Tribune*. His more "liberal" stance after 1943 was basically an appearance, stimulated by political expediency and not fundamental belief. Interview of April 15, 1959.

31. Radio Address to Republican State Party Convention, July 20, 1946, in *Warren Speeches.*

32. Sacramento Bee, February 13, 1952, p. 1.

33. Address to Republican National Committee Luncheon, January 17, 1952, in *Warren Speeches.*

34. Sacramento *Bee*, November 17, 1951, pp. 1, 4.

35. Sacramento *Bee*, January 17, 1952, p. 1.

36. Sacramento *Bee*, October 3, 1954, p. 4.

37. Sacramento *Bee*, November 18, 1948, p. 17.

38. Sacramento *Bee*, February 16, 1952, p. 42.

39. Sacramento *Bee*, February 20, 1952, p. 8.

40. *Statement of Vote*, June 3, 1952, pp. 3-6. The vote was as follows: Warren 1,029,495, Werdel 521,100.

41. *Cal. Stats.* (1959), Ch. 284.

International Rivalry for California and the Establishment of the British Consulate*

By A. P. NASATIR

EVER SINCE FRANCIS DRAKE entered the Pacific Ocean in the *Golden Hind* in 1578-1579, the Pacific Ocean has never been what its name implies–Pacific. That was the beginning of changing the Pacific Ocean from a 'Spanish Lake,' into an area of international rivalry. In turn nearly all the "great European Powers" contested for that vast area. In fact the contest finally resulted in a "swirl of the nations" until, the swirling ended, there remained just England and the United States which still hold the area. But that is chiefly the area north of California.

California, which generally represents the northwestern effective frontier of Spanish ownership, however, played a less important role in that greater story of expansion and international rivalry for the Pacific until the latter part of the colonial régime. In itself, California was effectively occupied by the Spanish only after heavy pressure of international rivalry.

Basically claims had been established to California. Drake had taken possession of the California area in the name of Her Majesty, Good Queen Bess. Spain, of course, claimed all the area as its own by virtue of Papal decree, but that dictate neither France, Holland nor England

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*This essay was read before the Western History Association meeting at Oklahoma City on October 29, 1964. The writer is currently working on a calendar of the British consular correspondence relating to California. This essay is based on his work in Public Record Office in London.

for example had either accepted or respected. After all, as the King of France once exclaimed, "show me the will that Adam wrote granting the earth to Spain and Portugal and which the Papacy had the right to parcel out."

California which had a fascinating and intriguing name and guile to mankind became, in fact, a no-man's land insofar as occupation is concerned until the latter half of the eighteenth century. Although it was known from the coastline and its importance to Spain had been largely on account of its vaunted and valuable Manila Galleon route, the gradual invasion of the Pacific by Russia, England, France, Portugal, and Holland kept the fires burning. But "effective occupation" was the key to ownership and nationality in these parts. Russia did effectively occupy and own Alaska and began to push southward. Strays from other rivals of Spain sailed the Pacific and worked in the area, enticed by commerce, lure of adventure, furs, and international rivalry and prestige. Spain, therefore, occupied Alta California in the second half of the eighteenth century, and the area north of California became the intriguing focal point where overland explorer and merchant trader met other traders coming by sea and from the Far East. Thus, it resulted in the famous Nootka Sound Controversy, the eventual drawing back of Spain, and the establishment of "effective occupation" as *the* criterion for ownership and thus control of trade, area real estate, and Indians.

California thus began to be pushed into the limelight of international power politics and struggle. This seems difficult to perceive to historically minded amateurs because of the easygoing, acorn-eating Indian and the Hispanic *ranchero*, the province's lovely climate, as well as its far distance from the center of control and nascent nineteenth century *caudillismo* of an independent America. Excitement was to be found in a fandango, occasional bull fights, a marriage, a religious celebration, or in gambling and drinking. Disturbances such as those which were occasioned by the Spanish-American Wars for Independence did not bother the Californios, although they were Spanish and did prepare for defense when Bouchard came up to Monterey in 1818 but that resulted only in a three day all-out long weekend. When Mexico, after eleven years of fighting, won its independence and made known the fact to California in 1822, California simply changed its flag, gave its royal governor a one way ticket home, and settled back into its good old days.

It took a new generation of Mexicans born in California with all the true character, jealousies, and desire for power, plus neglect, some oppression, poor officials, and too many revolutions in its center of control in Mexico to awaken the slow easygoing Californio to get up on his hind legs and begin to feel the fruits of freedom. Then the Hispanic American nineteenth century came to California. Thus by 1836, after the revolution of Juan Bautista Alvarado, California was to all intents and purposes independent; it easily became the prey of rivalries, hostilities, jealousies; and it began to figure in the larger world game of chess, using California as a pawn in the greater fields of international struggle for power, prestige, and rivalry.

By that time not only was California known to the world through the illegal hide and tallow trade, but also through immigration of a number of foreigners who married in California, learned Spanish, became merchants, and led the society. By that time the Manifest Destiny of the United States began to spread to the Pacific and the magnificent harbor of San Francisco. By then Mexico had been involved in various troubles with European powers, especially France and England, and, of course, its next door neighbor—the United States. By now California had not only entered the commerce of the world but also the international relations. American fur traders, politicians, and traders had made known the delights of California and its neglect by Mexico. By now revolution ridden Mexico had contracted unpaid debts and had caused damage to foreigners' property. Mexico could not, would not pay the debts and claims. Again here California enters the picture, why not sell "or exchange the valuable future Hollywood to clear its debts and even obtain a few more shekels to line the pockets of politicos with." But Mexicans have a dignity as well as a patrimony.

By now the rival European powers were watching closely each other's moves and wanted compensation for each one's even slight gains. Missionaries representing the nations more than the church were activating international rivalry in the Pacific: struggles for power in Tahiti and in the Sandwich Islands are examples. Warships followed the missionaries, and it was the nation that had the warships at the right time and at the right place that received the advantage and real estate and the right to fly its national flag over the spots in the great wide expanse of the Pacific. Consuls were appointed then, and official relations were established, each working against the other striving for the advantage. Trade, religion, and politics have kept the Pacific in a steamed up wet dither ever since that time.

California was no exception. Of the five European powers (Spain, England, Russia, France, and Holland) that were interested in the Pacific which included California in the eighteenth century, I shall not discuss Holland because it did not demonstrate any specific interest in California itself. Nor shall I deal with Russia despite her power and ownership of territory and a small colony in California, which was finally purchased by John A. Sutter in 1841. That leaves me, therefore, with the real rivalry for California between England, France, United States, and of course Mexico, and the Californios. The stories are the same in broad outline, but in order of importance I would put the United States first; England, second; and France, third. Mexico was to be on the receiving end as were also the Californios whose place in the rivalry for possession was in a sense only a nominal one, even using independence and appeals to foreign-nation protection for personal purposes.

Of course, the steps taken by all were, although not used in the same degree by each, similar in character. There were emigrants for California, advertisements and attempts to win over the local people and governments, intrigues, and collusion. There were consulates established; there were reports made by private individuals and governmental officials. In general, it was the activities of the foreign settlers in California and the consuls representing the foreign nations there that were active in promoting the cause of the country they represented or of which they were citizens or natives that were the most vocal. They, in fact, laid the foundations for claims and attempts to be either annexed to their native country or have California independent under a protectorate of their country. There were also the policy makers, that is, the home governments. Naturally the home governments were the most conservative and the most reserved in their comments, policies, and actions. That is why students have often said there were no "French interests" or "English interests" in California or official designs on California. All three countries vociferously denied having any designs on California; yet all three really had agents working eagerly for them; all three sent warships to protect their nationals and commerce.

Each watched closely the maneuvers and movements of the warships of the other; each had Pacific squadrons with spirited admirals, who had to be restrained by home governments. And, in all cases each watched the other's moves with regard to Mexico—France's Pastry War and blockade of Mexico, English and American interests in watching Texas, and the recognition and intrigue with respect to independent Texas. All this is intricately tied up with British-American relations, as was also their bitter rivalry over the Oregon country.

Looking backward, however, the real advantage and trump cards were held by the United States, and I am not thinking solely of the Monroe Doctrine. But the policy of the United States and its watchful waiting, infiltration, intrigue, conquest and acquisition is well known and has been published by a number of scholars. In the case of France I have spent many years in calendaring the French archives and trying to bring out activities of France and Frenchmen in California.

To show some aspects of the problem of international rivalry in its raw materials, aspects which were common to all nations showing interest and activity, I only have to mention the subject of consuls appointed to represent the nations here in California. That indicates in the case of all the nations having representation in California, not only the official attitude of the home governments and their policy respecting California, but also their activities in California politics and business. Therefore, after a short introduction concerning the official representatives stationed in and appointed to California by the United States, France, and Spain, I shall devote myself to the topic of the establishment of the British Consulate in California with some account of the official activities and correspondence of its first incumbent, James Alexander Forbes.

The least known and the least important for our story is the representative of Spain, Arnaud Césaire [Cesario] Lataillade, "français de nation" who came to California as the supercargo of the *Trinidad* in 1842 and became a well known businessman of Santa Bárbara. He was appointed vice-consul for Spain in Monterey in 1845, but his exequatur did not reach him until April of 1846, and he took office June 4, 1846. In 1847 he was permitted to exercise his functions at Santa Bárbara. Late in 1848, evidently to succeed Moerenhut whose consulate had been suppressed, the French consul general of New York appointed him consular agent of France, and he received an exequatur to act as such from Secretary of State Buchanan. He, however, never exercised that function, for he was killed by the accidental discharge of a rifle in Santa Bárbara early in 1849. He had married María Antonia de la Guerra and was in business in Santa Bárbara. He opposed the acquisition of California by the United States, but he did *not* take an active part in public affairs. He did favor the McNamara colonization scheme in 1846.

With regard to the American, French, and English consuls, in no case did the original appointees occupy the California position. Louis Gasquet, the first incumbent of the French consulate in California as acting vice-consul, was not the first French appointee. M. Bosserons then acting consul of France at Santander in Spain was appointed, with Gasquet as chancellor of the consulate. This was in November of 1842. M. Barrière, then in Paris, was appointed consul at Monterey on June 23, 1843, and ordered to proceed at once to Monterey in replacement of Bosserons. Like M. Bosserons, Barrière did not do so and Louis Gasquet acted as consul for France ad interim until the arrival of an appointed consul. Gasquet left France, was in Mexico for quite some time, and arrived in California in November of 1844.

From Paris on June 6, 1845, the Minister of Foreign Affairs notified Gasquet that Jacques Antoine Moerenhout had been appointed consul at Monterey and that Gasquet should turn over his consulate to him. Moerenhout arrived at Monterey on October 1, 1846; after a typical "opera bouffe," took over the consulate from Gasquet. Moerenhout remained in California as consul for several years, although his consulate was suppressed in 1848; however he later became Consul of France again in Monterey and Los Angeles.

Similarly Thomas O. Larkin, the first and only United States consul in California, was not the first man to be appointed to that position. For ten years before Larkin opened his office at Monterey in 1844, the United States government had sought unsuccessfully to station a consul there. Successive applicants were given the appointments, but for one reason or other none of them reached his station. Each desired the post (and asked for it) as an aid in getting established in California, but his plans changed or death intervened before arrival in that distant region. Austin J. Raines was appointed by President Jackson in October of 1833. Another applicant was H. J. Kelly in December of 1834. William

H. Ashley advanced the candidacy of John Marsh. William P. Gilliam was appointed temporarily on June 21, 1837, and permanently on December 13, 1837. Gilliam never reached California. J. T. Warren applied for the job in 1840; he had been a resident in California since 1831. Thomas Carlisle solicited the appointment, received the appointment from President Tyler, and was confirmed by the Senate on March 11, 1843; however he resigned on June 7, 1843. Albert M. Gilliam, brother of Jonathan P. Gilliam, was commissioned as consul at San Francisco on January 29, 1844, but did not reach California. His instructions were seen by Larkin, and the latter objected to the need of a consul at San Francisco. Thomas O. Larkin was proposed as consul by Stephen Smith (probably at the suggestion of Larkin's stepbrother Ebenezer L. Childs) and was supported by Horatio E. Hale. Thomas O. Larkin was sent a temporary commission dated May 1, 1843, and was nominated permanently and confirmed by the Senate on January 9, 1844. His commission is dated January 29, 1843. He took office April 2 (?), 1844, a few months after the English consul had taken office. Larkin himself had been twelve years in California before he took office as United States consul. As consul his office technically ceased upon North American occupation in June of 1846, but the consulate was not formally terminated until May 30, 1848, when the Treaty of Guadalupe-Hidalgo was ratified. In the interim and until November, 1848, Larkin rendered confidential reports to the Secretary of State on conditions in California. Thus, in addition to being a California businessman, he became United State consul and also confidential agent of the United States.

For a number of reasons, rather well known, Larkin appointed William Alexander Leidesdorff, a native of the Danish West Indies, as United States vice-consul in San Francisco upon a visit to that town in October of 1845. Leidesdorff continued in that position until the middle of 1846.

The date that California entered the diplomatic correspondence of the various nations cannot be stated in specific and certain terms or dates. Foreign powers began to look upon California as "literally a waif, and belonging to the first occupant" to use Waddy Thompson's words (*Recollections of Mexico*, pp. 232-233). To the imperial and commercial designs of both Great Britain and the United States no region of the world seemed to combine so many advantages as did California in the late 1830's and especially in the 1840's. Every factor seemed conducive to commerce and an ever increasing industrial system. Waddy Thompson had the greatest praise for California, especially its climate and health. Lure of mineral wealth was a paramount impulse for expansion into California—gold (Britain controlled the mines of Mexico and Sonora), pearls, etc. California was looked upon as a "promised land" and "earthly paradise." Great Britain's claims to California were based on Drake, the right to colonize unoccupied territory, the Hudson's Bay Company's trapping in California, and the trade along the Pacific. Britain also relied upon effective occupation or immigration: Prior to 1840 there were sixty English, twenty-one Irish and fifteen Scotsmen permanently residing in California, many of them well known. (Bancroft says that during the decade 1830-1840 about 150 foreign pioneers a year came to California of whom about 140 stayed and at the end of a long period about 30 became prominent in California—this is not however a real migration.) British scientists and travellers had come to the coast: David Douglas, Scottish botanist and member of Oregon Fur Company 1830-1832; Thomas Coulter, English scientist who arrived in 1831 and studied geography of the area. In 1835 United States Minister John Forsyth offered Mexico $5,000,000 for California. To the commercial men of Great Britain this meant loss of port of San Francisco and its latent possibilities. The *Times* of London said that San Francisco was one of the finest naval ports in the world. With this port for her naval depôt, Great Britain would indeed be mistress of the sea, not for a day, but for all time! Britain tried to counter this United States move—British diplomats opposed it.

In the 1836 revolution in California, when the Californios under Alvarado expelled Mexican officials and troops, it seemed quite apparent that California was to change masters. Both United States and England watched the course of events with lustful eyes. It was at this juncture that Alexander Forbes wrote his book, the last chapter of which dealt with California as a field for colonization. Forbes had indeed written a large part of his book as early as 1835, but a delay in publishing and his visit in England permitted him to make some additions up to 1838.

Forbes suggested the transfer of California to Great Britain by Mexico in return for the cancellation of debts. He said that Mexico should lay aside the vanity of retaining large possessions and that the cession of disjointed California would be an advantage. In no case would Mexico's retention of California be profitable.

The British were definitely considering future possibilities of California as a part of its rapidly expanding empire. Britain negotiated with Mexico to obtain land in Texas or California as a pledge for the Republic's bonds which were held by British capitalists. A minority preferred outright transfer of California to pay the debt.

With the 1840's California entered the spotlight of diplomatic history; a mere passing interest was transferred into a rabid desire and a real Anglo-American struggle. The situation that was found in Texas now made its appearance in California. In the spring of 1840 American newspapers reported Anglo-Mexican negotiations concerning the cession of California which alarmed the United States. *Niles Register* was full of warnings of British activities and designs on California, and England tried to justify itself on humanitarian grounds that the Indians were weak, that the Spaniards did not succeed, and that England was needed to civilize California.

Then in April, 1840, occurred the Graham Affair: a number of English subjects and United States citizens, residents of California, were deported to Mexico on the grounds of conspiring against the government. They were somewhat maltreated. The diplomatic outcry against Mexico was great; Mexico was forced to release the prisoners, pay compensation and damages, and return them to California. These events added to the debts Mexico owed to England and the United States. From this situation, however, *came* the real interest of the English. England now sent warships to California to see that her citizens were not maltreated.

On July 5 1840, (after his first notification to the foreign office earlier in 1840 of the alleged cruelties perpetrated upon British subjects in Upper California) Richard Pakenham reported on the projected voyage of Duflot de Mofras to California. On the same day he called Lord Palmerston's attention to the expediency of providing better protection for the trade and interests of His Majesty's subjects on the west coast of Mexico by the permanent presence of a man-of-war as proposed by Consul Eustace Barron. The presence of a permanent naval vessel would keep in check the arbitrary dispositions of the local authorities who "as is now the case in California and has frequently, in times of revolution, been the case in the districts of Sonora and Sinaloa, resort to whatever measures they think proper without any responsibility to the government of Mexico." Barron had implored the admiral of the Pacific Squadron to have a permanently stationed vessel on the west coast and hoped that the Admiralty would so order. Among the enclosures sent to Palmerston was a letter of James Stokes, one of the Britishers who resided in Monterey. The United States had sent a war vessel to California, as had France, but not England. English Consul Barron had helped the American prisoners as well as the British in Tepic and in San Blas, and United States Navy Captain Forrest had helped the British as well as the Americans in Monterey. As a result James Stokes, writing on his own behalf and on behalf of his English compatriots, wrote to thank Captain Forrest for his kind and friendly interposition, stating that the English here "who have no authorized agent of government here to protect their interests," supported you.

On December 19, 1840, in his letter number 102, Pakenham wrote to Palmerston:

> I think it right to take this opportunity to submit to the consideration of Her Majesty's Government whether, in consequence of the gradual encrease of population in California, and the proportionate importance which our trade with that remote part of the Mexican Territory is naturally acquiring, it may not be expedient to appoint a Consular Agent at the seat of the local government to attend to the interests of British Commerce, and to furnish this mission with correct information of any grievances which may occur requiring application to the General Government.
>
> If Your Lordship should think proper to make such an appointment I believe from all that I hear of Mr Spence that he is a very proper person to hold the situation, and I think it likely that he would consider the distinction appertaining to the Office as a sufficient requital for the trouble that it might occasion to him, without other remuneration.

David Spence, a native of Scotland, had come to California in 1824 and by 1835 was alcalde of Monterey; he held many offices under Mexican and American governments in Monterey and died in 1875.

But Spence was reported to the British Consul Barron at Tepic as not being a fit subject to hold the position of British consul. Even though Palmerston accepted Pakenham's suggestion for establishing a

British consulate in California and approved his appointment of Spence, Pakenham exercised his judgment and refused to appoint him. The reason for not appointing Spence was his action or rather lack of action in aiding the British during the Graham affair: "Spence had to obey the governor's orders or resign as alcalde; he was a subject of Mexico, was married to a Californian lady and possessed a large tract of land near Monterey and held the office of Alcalde."

Pakenham then seemed to have laid aside the matter of establishing a British consulate in California. Another push had to be given him before he would act again.

In August of 1841 Pakenham brought up the subject of English colonization in California, evidently favoring concessions of land for such a colony in exchange for payment of their debts owed British holders of Mexican bonds. The British government, however, would not lend an ear to the proposition, and Pakenham dropped the plan. But Pakenham did not, he could not, lose sight of the intrigues and notices of California. He faithfully reported in newspaper articles on American settlers and immigration to California and always pointed to a repetition of American activities in Texas which seemed to be followed again in California. In accordance with permissive instructions from the Foreign Office, Pakenham defined the limits of jurisdiction of the British consulates in Mexico, saying that both Californias were under the jurisdiction of the consulate of Tepic and that a vice-consulate subordinate to Tepic would be set up in California as soon as a suitable person could be found to fill that office.

During these tense times of the negotiations between Mexico and the United States over Texas and the maneuverings of the various fleets in the Pacific, Commodore Thomas Ap Catesby Jones made his well known occupation of Monterey. Pakenham heard news of the American occupation of all Alta California; the Mexican Minister of War confirmed Barron's information that the "American officers gave out that they have seized California to prevent the English from taking possession of it by an arrangement with the Mexican government in part payment of the foreign debt."

On December 7, 1842, Barron wrote to Pakenham stating that he had found a person capable and qualified to be named vice-consul of Great Britain in California. It was James Alexander Forbes. Pakenham lost little time, and in his report of December 10 concluded: "Your Lordship will therefore I trust approve of my having at once appointed Mr. Forbes to the office in question, and applied to the Mexican government to recognize him in that character." The appointment was received in London on February 5 and was entirely approved March 22, 1843.

In a sense, then, it was in retaliation for the Jones episode, in opposition to Duflot De Mofras' attempt to get the Californios to place themselves under French protection, and in order to safeguard British interests in California that a British vice-consulate was set up in California. Thus, England could procure information on the spot.

James Alexander Forbes was the first English governmental official formally appointed in California. The wily British Hawaiian Robert C. Wyllie, however, told his cousin William Hartnell, the well known British merchant in California, that the appointment of Forbes to the British vice-consulateship at Monterey was to an identical office which Hartnell had held and acted in that capacity for years, but without official sanction. He wrote:

> I much regret that any misrepresentations should have prevented you from obtaining the appointment of his Majesty's Vice Consul for California for which I consider you were so well qualified. Of Mr. Forbes I know nothing, but I presume he also is a capable person.
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> Your [Hartnell's] present position of vista [?] to the custom house may be more profitable, if not more honourable to you than the vice-consularship, for which I do not suppose that more than £200, or at most £300 will be allowed.

Hartnell was interpreter, translator, and merchant in Monterey; but he was not the first official British consul. Forbes was the first foreign consul officially to take up his duties in California. He took office officially on October 11, 1843, and as British vice-consul he congratulated Thomas O. Larkin upon his appointment as United States consul (actually before it was officially announced) on March 12, 1844. Louis Gasquet, the acting French vice-consul, did not reach California and take up his official duties in California until 1845.

James Alexander Forbes (not to be confused with the Alexander Forbes of Barron, Forbes and Company of Tepic and many other Forbes) was of Scottish and Spanish descent. He was a man of the sea, a man of good education who spoke and wrote Spanish. He was born in Inverness, Scotland, in 1804. His parents, John Alonzo Forbes and

Marta Rodríguez died early in his life, and he was cared for by an uncle, William Forbes, a merchant who resided in Cádiz, Spain. In 1830, while a seaman on a schooner bound for the South Pacific, he was shipwrecked on a South Sea island and was picked up by the English whaler *Nelson.* He transferred to the American whaler *Fanny* while at the Galápagos Islands, off Albemarle Bay, expecting to be landed on the "Spanish Coast" for which he had permission. He reached San Francisco on the *Fanny* in October of 1831 and at once abandoned her.

After his arrival in San Francisco Forbes engaged in business. He was employed for a while at Mission Santa Clara as a clerk for Padre Viador and became majordomo for three years. Forbes became a real Californio. He came to know well the Vallejo and Peralta families, Hartnell, Richardson, the British residents in California, and other well known men in California. He became a Roman Catholic and in 1834 became a naturalized citizen of Mexico. In July of that year he married Ana María Galindo, daughter of Juan C. Galindo, a member of a wealthy California family. He worked at farming and trading around San José and became agent of the Hudson's Bay Company succeeding William Glenn Rae who committed suicide in 1845. Forbes paid the rancheros for their hides and tallow and solicited trade all over California, but especially in the San Francisco peninsula towns and ranchos. In 1844 he was granted by Governor Manuel Micheltorena Rancho Portero de Santa Clara, a square league in extent.

Shortly after Forbes was appointed vice-consul, he was assigned a salary of £200 with the permission to engage in trade. Later, in 1855, Forbes testified that he was then fifty years of age and resided in Santa Clara County; that he had by then lived in California for over twenty-five years during which time he was for fourteen years agent of the Hudson's Bay Company and for eight years British vice-consul; and that he had been in close connection with the Spanish officials, especially General Micheltorena. Before he had arrived in California he had an intimate knowledge of the Spanish language and of the Hispano-American provinces. Through his social and political position in California he obtained an ample knowledge of the usages, customs, and laws of the country. Although his permanent residence was near Mission Santa Clara, his business called him frequently to Monterey and San Francisco.

Forbes was appointed British vice-consul at Monterey, but soon was granted permission to reside in Yerba Buena and to carry on his work there. After 1844 Forbes did not find it necessary to visit Monterey often, conducting his functions at Yerba Buena and at his home in Santa Clara.

Forbes was the British representative in California subordinate to, and reporting to, Consul Barron at Tepic. The latter either passed on his letters or extracted Forbes' letters in his own letters to the British Minister at Mexico. It depended on how Barron considered the information written to him from California by Forbes whether or not he passed it on.

There is no need here to follow Forbes' correspondence in the Public Record Office, sufficing it to say that he did report fairly often at first. He was thoroughly British and tried to assert British interests and in fact British projection, if not annexation, of California. He tried to thwart the Americans from taking over California. As vice-consul he drew up a plan for British acquisition of California and inquired about the government's attitude concerning the establishment of a British protectorate over California. This plan was turned down completely in 1844 by the British government, and the British in California gave their support to a Mexican California: Mexican control of California was much better for British interests than an independent government in California. Forbes really followed, if he did not at times lead, his superior Eustance Barron, and both were participants of British colonization in California; but both received only the scantiest official encouragement. Indeed Forbes was rebuked for his proposed British protectorate plan and warned not to interfere in politics in California. This restrained him greatly.

Although Forbes and Larkin were friendly personally and financially, each doing many favors for the other, politically and diplomatically (due to domestic and political pressures) their relations were strained. Larkin was suspicious of Forbes' actions and his mixing in California politics. In fact, in April of 1845, perhaps to salve Larkin with a ruse, Forbes said that he wished to resign his vice-consulateship and that, if his resignation were accepted, he was certain that he would enjoy more tranquillity than he ever enjoyed in his public station.

Forbes was not an easygoing person. He once struck an American citizen for insulting him in public and even refused to recognize Leidesdorff as United States vice-consul at San Francisco. In all the confusion and fear of 1846, Forbes visited Monterey in April of that year. Here he informed Larkin of his instructions not to interfere in California politics, but also that England would view with very little satisfaction the transfer of California to any other nation—and I might add, except England. To accentuate the situation, Forbes attended the Santa Barbara *Consejo*, and Larkin became fearful of the rumors that the *Consejo* was controlled by advocates of European intervention and that Forbes and the English government were involved.

Larkin was not the only American that had forebodings about Forbes. Archibald Gillespie violently disliked Forbes and even said that Larkin was too partial to Forbes. Gillespie believed that Forbes was indebted to the English government for raising him from the dregs of life and giving him the position he occupied in California society. John Charles Frémont feared Forbes, particularly because Forbes and the McNamara project involved a possible English protectorate over California.

When Forbes returned to San Francisco in July of 1846, he found the American flag already flying there and the Bear Flag Revolt long since passed. An English biographer of Larkin tells of Forbes' "muddle-headed opportunism which had led him in the past to invite rebukes both from Lord Aberdeen and from Lord Palmerston and which caused him so completely to misunderstand the Bear Flag Revolt." Yet Larkin, who knew Forbes well, said "he [Forbes] would be happy to live in California under the American flag." And in 1848 perhaps he was preparing to become a loyal American.

Yet Forbes was a British diplomat in a sense. Whether or not the British naval officers of the Pacific Squadron as well as England were caught flatfooted when Commander John D. Sloat raised the American flag at Monterey, is of no import to us here. Admiral Seymour did not say so. Yet, we are told by William Heath Davis that, shortly after Seymour had arrived in the *Collingswood* and saw the United States men-of-war and the American flag, "The British Admiral [Seymour] stamped his feet in rage, and flung his hat upon the deck. His chagrin at the advantage which the Americans had gained over him in this matter caused these demonstrations."

With the Mexican Californios, Forbes was on good terms. Pío Pico in leaving California thanked Forbes for his hospitable cooperation and friendship. Two weeks later Castro—defeated—asked Forbes to hold for him certain documents and papers which would reflect favorably on his behavior during the California debacle of 1846. With Pico and Castro gone, Forbes treated with American military and naval officials and in turn was treated well—he was accorded a seventeen-gun salute by the *Savannah.*

After the hectic and trying three months of June to August, Forbes returned to his home in Santa Clara to relax; he, however, found it difficult to do so. He acted as intermediator and guarantor for the Californios in the truce after the Battle of Santa Clara in 1847, not an easy task.

In 1847 and later Consul Barron frequently complained that he received little or no correspondence from Forbes. Many other Britons likewise complained, and even more so in 1848-1849 and in 1850 during the hectic days of the Gold Rush. He did not resign. He did appoint a sort of substitute vice-consul, Falkner, to take care of consular affairs in San Francisco, some forty or more miles away from Forbes' home; thus Falkner acted on several occasions in his stead. Many merchants wrote to the Foreign Office, complaining about the lack of a British consul in Yerba Buena to protect their interests both at the customhouse and with regard to sailing vessels and desertions.

In truth Forbes grew less and less active in carrying out his consular duties. He did not resign. But he more and more engaged in his business activities. He became interested and part-owner, and director at times, of the New Almadén quicksilver mine near his home. To further the interests in the mine in which Barron, Forbes and Company of Tepic were interested and part-owners, J. A. Forbes went to Tepic, leaving San Francisco on March 1, 1849, and returned June 13 with a power of attorney to straighten out the affairs of the New Almadén mine. Forbes knew something about metals and was interested in at least two other quicksilver mines in addition to New Almadén. In October of 1849 he took charge of New Almadén but was relieved as director in May of 1850 by Henry Halleck. Forbes became involved in legal suits, and the New Almadén litigation spread over years. He wrote a friend as early as January 2, 1851, that he had lost $18,000 in legal and court fees due to litigation over New Almadén. Forbes, however, had other interests. He had his land grant, given by Pico, of a lot in San Francisco fifty varas extent as well as his wife's adjoining lot. Forbes also wrote articles for the newspapers, especially the San Francisco *Herald*. He had a flour mill at Los Gatos. He settled down, but became extremely anti-American, especially so during the rest of his life. He was married forty-seven years and had twelve children, nine boys and three girls. One of his boys wrote a short sketch of James Alexander Forbes' life and became official interpreter and translator for the courts and served for a short time as United States consul in Mexico. J. A. Forbes has to his credit some of the foundations for a legacy to him: Santa Clara College.

Although still vice-consul, sending in his vouchers quarterly that he was in residence and on duty at his vice consulate—many Englishmen tried to seek the appointment as British vice-consul in San Francisco. Strangely enough to all complaints registered to the Foreign Office by Consul Barron, British naval officers visiting San Francisco, and applicants for the position, the one and only answer given to all by the British Foreign Office was that it had heard of no complaints of Forbes' work as vice-consul. It turned down all applicants on the grounds that there was a British vice-consul at San Francisco and that Forbes had been there for many years. In fact in 1850 the Foreign Office authorized him to take care of Sardinian subjects and to protect them until Leon Cipriani was appointed Sardinian consul and had arrived in San Francisco. There were more than a half dozen applicants in 1849 and nearly nine more (the largest number of applicants for any British consulate in the United States) in 1850. All were turned down. And when some said they had learned that Mr. Forbes had resigned and applied to the Foreign Office, the latter simply replied they had received no word of Forbes' resignation.

But on October 20, 1850, Forbes did officially resign and wrote: "the present state of this country compels me to tender my resignation of the office I have had the honour to hold under Her Majesty's government in this province." On January 28, 1851, the foreign office received that letter, transmitted by Consul Barron on November 24. One month later, on February 26, 1851, Palmerston notified none of the former applicants, but George Aikin, of his appointment. George Aikin assumed the office as British Consul with £300 salary and privilege to carry on mercantile enterprises and pursuits on May 30, 1851.

Thus ended the long tenure in office, just over eight years, of James Alexander Forbes as British vice-consul in California. Despite all, he served diligently at least until the United States' occupation of California and was a staunch Briton through that war. But he had property and business to take care of. He had been disappointed in not having his country, England, take over at least a protectorate of California and was no doubt content to remain in California under the American regime, which he did. Significantly it was not until after the admission of California into the Union as a state that he finally tendered his resignation. He was not a very old man and had a reasonable number of years yet to live and support his large family. He died on May 6, 1881, at his residence at 1025 Chester Street, West Oakland at the age of seventy-seven.

NEW BOOKS

Time and the Terraced Land. By Augusta Fink. (Berkeley: Howell-North Books, 1966. 136 pp. $7.50.) Reviewed by W. W. Robinson.

After showing her ability at picking a glorious title for her book on California's Palos Verdes Peninsula, the author can hardly go wrong in developing her subject. Augusta Fink doesn't. She successfully captures and presents the current charm and unique qualities of her ocean-facing land and relates its story from prehistoric times to the present. Pictures and maps of superb beauty enhance the text. They are largely the work of William Webb, a photographer, and of Jack Moffett, cartographer. A Bibliography, an Appendix, and an Index are added.

Primarily the book is the story of the area embraced within the boundaries of one of California's older ranchos—Los Palos Verdes. It opens with interesting geological activities of the past two hundred thousand to four hundred thousand years by which the land has been uplifted from the sea in slow stages, thus producing the marine terraces for which it is famous.

The Gabrielino Indian phase is pleasantly presented. I only hope "the quiet people of the chaparral" led as happy lives as portrayed here. Then the Spanish and Mexican rancho period, beginning in 1784, is developed, with emphasis on the Domínguez and the Sepúlveda families and their cattle-raising activities. Ownership disputes between the families, and intrafamily wrangles, are told. In 1834 Governor Figueroa, acting as judge-arbitrator, assured the right of Sepúlveda finally to 31,600 acres and of Domínguez to 43,000 acres. Los Palos Verdes, in fact, was carved out of the earlier Rancho San Pedro.

Like nearly every other rancho in California, the Palos Verdes came to financial disaster. Mortgages bearing fantastically high rates of interest and other types of debt could not be defeated. Between the late 1850's and the early 1880's the rancho gradually passed from the Sepúlvedas into the hands of creditors and bargain hunters. There was a partition decree in 1882, with Jotham Bixby being awarded the greater portion of what is today considered the Palos Verdes—other than the area covered by the community of San Pedro.

When Frank A. Vanderlip, New York banker, got interested in the Palos Verdes in 1913, the range for cattle and sheep began the transformation into what was expected to be the "most fashionable and exclusive residence colony" in the nation. The help of noted architects was enlisted. Promoter E. G. Lewis got into the picture. The Great Depression brought a rash of troubles and almost wrecked the hopes of the planners. Ultimately the Great Lakes Carbon Corporation came to the rescue, purchased the remaining Bixby acres, and again called in architects and engineers to develop "the most outstanding planned community in the United States." Many of the earlier dreams have been fulfilled.

The author takes some liberties with the details of history. Also, she occasionally indulges in the fictional, conversational method when telling of rancho days

—objectionable to the historian, though, perhaps, pleasing to most readers. There is some carelessness in the use of Spanish names and titles.

Nevertheless, the author successfully produces a popular history. Carrying out her wish expressed in the Introduction, she contributes to "the proposition that history should be a glorious entertainment." The quality of the writing is high, the presentation has overall excellence, and the book's illustrations are entrancing. A new land rush to the Palos Verdes may be expected.

W. W. Robinson, a foremost authority on Southern California and Ranch history, is the author of *Land in California, Ranchos Become Cities,* and numerous other books.

Nevada County Narrow Gauge. By Gerald M. Best. (Berkeley: Howell-North Books, 1965. 214 pp. $7.50.) Reviewed by David F. Myrick.

The Nevada County Narrow Gauge Railroad, situated in the Northern Mines of the Mother Lode Country in the Sierra Nevada foothills of California has long intrigued the followers of railroad history. Serving the two important gold producing towns of Nevada City and Grass Valley by a rail connection with the Southern Pacific at Colfax, its narrow gauge tracks did the job almost as well as the wider gauge, if the transfer at Colfax were sufficiently discounted. The little railroad has been the subject of many articles and chapters in several books, but it was Gerald Best who took it upon himself to tell the story in greater detail; and thanks to his efforts, we have an enjoyable book of some 200 pages.

Perhaps the story of the beginning of the railroad should go back to the discovery of gold at Sutter's mill in 1848, for the ensuing rush of frantic men led them to other hills and valleys to find a path to riches. Grass Valley and Nevada City were the result of some of these discoveries, and the nature of their mines lent permanence to the communities. After several attempts to promote a railroad to reach the outside world, the twenty-two mile railroad was opened in the spring of 1876, not an inconsiderable feat in view of the two tunnels and half dozen major tall trestles. Life on the railroad was not always picnic trains, there was serious business to keep the management on its toes. Foremost among the seven presidents of the railroad were John F. Kidder followed by his widow, Sara, whose terms covered nearly one-half the life span of this line which finally ended in 1942.

Not only were Grass Valley and Nevada City privileged by having one of the few common carrier narrow gauge railroads in the Sierra, they could also boast of an electric street car line between the two cities whose history has been recorded as a chapter in this book. Another chapter is given over to discussing some of the major mining enterprises around these two towns while the appendix contains much useful information relating to the officers of the company as well as a list of employees, and descriptive material relating to the rolling stock of the line. Although the book is heavily illustrated with fine photographs, it is not just a picture book, for Mr. Best has unfolded much new material in the history of this railroad and the surrounding country. Adding to the interest of the book are a number of maps, and an index augments its usefulness. Mr. Best is to be congratulated for developing and, in fine style, displaying this important segment of California history.

David F. Myrick, historian and railroad analyst, is the author of *Railroads of Nevada and Eastern California* (2 vols.) and of numerous articles on Railroad and Western American History.

J. Ross Browne: Confidential Agent in Old California. By Richard H. Dillon (Norman: University of Oklahoma Press, 1965. 208 pp. $5.95.) Reviewed by Ted C. Hinckley.

The Celts are renowned for their ability to spin a tale. When two Irishmen, who also happen to be able writers, coauthor a book, it probably deserves public attention. Who can doubt that it will be entertaining? And so it is with Richard Dillon's well-pruned summary of J. Ross Browne's jottings of a century ago.

This is the latest, but hardly the last, in the stream of Browne writings that was first unplugged by the Reverend Francis J. Rock in 1929. Browne's public career, sometimes as a civil servant, sometimes as journalist, and always and everywhere as satirist, began in 1841. In that year he was appointed an official reporter for the United States Senate. Happily his insatiable appetite for travel compelled him to abandon the restrictions of Capital life and to wander over the provinces. Browne possessed not merely a skilled literary pen but one capable of producing sharp pictorial caricatures. Indeed, one cannot help but conjecture what Browne might have achieved had he early concentrated on becoming a social cartoonist instead of reportorial muckraker. To judge from his discernment of the horrible and humorous in life, his sketches might have made him the William Hogarth of nineteenth century America.

Author-editor Dillon's book emphasizes Browne's activities in the 1850's, a decade when his hero became a confidential government agent of the Treasury Department and quasi-minister without portfolio of both the General Land Office and the Office of Indian Affairs, touring "Uncle Sam's farthest-flung bureaucracy—that of the Western frontier." The core of this fast-paced book is based on three Browne notebooks found in the National Archives. Dillon has also made full use of authoritative secondary studies to fill out his segment of Browne's biography. Readers heretofore unacquainted with J. Ross Browne's Josh Billings-Irvin S. Cobb style of humor may wish that the book could have included more of the raw Browne instead of the diluted Dillon. In fact, the author has given over a large portion of his book to lengthy Browne quotes and carefully delineated the sections which he has paraphrased. Anyone who wishes to down his Browne straight need but refer to the original documents which are now readily available on microfilm.

Dillon wisely permits his fellow Celt to steal the act. Like his contemporary, Mark Twain, Browne seems to have never allowed the facts to compromise the truth nor have had any compunctions about resorting to embellishments when his subject was dull. Because Dillon has viewed his task as primarily organizational in nature, the editor-narrator only rarely seeks to analyze or to criticize Browne's writings. What is the proper degree of editorial intrusion is essentially a matter of personal taste. This reviewer was quite satisfied with Dillon's restraint.

Many western towns pass before Browne's eyes. A few of them are San Francisco, Los Angeles, Stockton, Sacramento, San Luis Obispo, San Diego, Eureka, Portland, and Brownsville. His account of "The Great Port Townsend Controversy Showing How Whiskey Built a City" will produce no rebuke, only laughter from today's Port Townsend Chamber of Commerce. The original outraged protest which Browne met one hundred years ago is here printed virtually in full and surely must rate as a journalistic classic in "having the last laugh." Among other aspects of Western life which caught his fancy were California's economy, San Francisco's relation with Russian America, the vanishing redman, Texas society, West Coast maritime activities, and, of course, the politics of public office. The Dillon-Browne team have not sought to open up any deep historical theme. Rather they have supplied an unpretentious mass of peep-hole views on the Far West before the advent of the railroad and after the ebb of the California Gold Rush.

Weak features of an otherwise well-constructed book are an incomplete index and vague picture captions. At times the latter are so abstract as to be pointless. One eye-catching print of a squaw pressing her child's head is not even identified. Why more of Browne's excellent sketches are not included is difficult to understand. But to make much of this flaw is mere nit-picking. Dillon *aficionados,* be they of the general reading public or from among his peers in the historical craft, are certain to enjoy travelling with *J. Ross Browne: Confidential Agent in Old California.*

TED C. HINCKLEY is an associate professor of history at San Jose State College and a frequent contributor of scholarly articles to historical journals. Dr. Hinckley is a specialist in the history of the Far West, including Alaska.

Bret Harte: Argonaut and Exile. By George R. Stewart. (First published 1935; reprinted by Kennikat Press, Port Washington, New York, 1959. 385 pp. $10.00.) Reviewed by John A. Hawgood.

Here is a biography which reads like a novel. This is in no way intended as a criticism, for Professor Stewart's *Bret Harte* is carefully researched and amply documented. Comparing it to fiction does not imply that anything in it is invented, but is intended as a tribute to the absorbingly interesting way in which it tells its story—the true story of the meteoric rise, rapid decline, and slow, partial recovery as a literary figure of the author of "The Outcasts of Poker Flat," of "The Luck of Roaring Camp," and of "The Heathen Chinee." Francis Bret Harte awoke one day in 1870 to find himself famous, but coming out of the West in 1871 to dazzle the pundits of the East—he even criticized Emerson's "Civilization" to his face and the even more formidable Lowell's "The Cathedral" to his—became so convinced that his *Pegasus* was the best that he carelessly offended the *literati* of Chicago, flubbed the Harvard Commencement *Phi Beta Kappa* poem he had been invited to compose and deliver ("probably the highest honor which an American poet could receive," says Stewart) and gave the publishers of the *Atlantic Monthly* more than adequate grounds for declining, in 1872, to renew their annual contract, for twelve contributions, at the then princely and unprecedented fee of ten thousand dollars.

This is not a new book, for it was first published in 1935 and reprinted—*and the copyright renewed* in 1959 by George R. Stewart, the distinguished and versatile author of *Storm*, of *Ordeal by Hunger*, of *U.S. Highway 40*, and of *The California Trail.* For reasons which to this reviewer seem inexplicable, the then editors of the *California Historical Quarterly* omitted to notice (or the publishers omitted to submit for review in that journal) *Bret Harte: Argonaut and Exile* either in 1935 or in 1959. Yet, even without their aid, it has become a classic and still holds the field as the best biography of Harte.

Mr. Stewart makes it clear that his is a *biography* of Harte and not a critical appraisal of Harte's writings. Nevertheless, his assessment of Harte as a literary figure is very apparent. He would place him in the second rather than in the first rank: "Harte has come to be known as the author of some half dozen short stories and two or three poems. This is a narrow footing in the house of Fame" (page 330). He thus puts Harte on a somewhat lower rung of Parnassus than did Ambrose Bierce in 1897, when Bierce placed him "very close to the head of American authors, living or dead." H. L. Mencken grudgingly accorded Harte "a sort of immortality," and, somewhat surprisingly, *The Education of Henry Adams* praised him (1918 edition, page 385) as almost the only American writer "as far as the magazines would let him venture . . . who had ever insisted on the power of sex, as every classic has always done." Adams considered the other one to have been Walt Whitman!

Bret Harte has, indeed, suffered less at the hands of the iconoclasts than at those of the iconographers. Two at least of his earlier biographers (H. W. Boynton in 1905 and H. C. Merwin in 1911) were distinctly hostile to him, and the opinion had become well established by 1926 (thinks Stewart) that "Harte was a snob and a scamp." Then, the publication of his *Letters* (by his grandson, Geoffrey Bret Harte) put him in a better light. Since that time his reputation has been maintained. At least ten moving pictures—if that is fame—had been made out of his works by 1935 and "The Heathen Chinee" (which is now hardly ever reprinted under its original title of "Plain Language from Truthful James") "remains a universally-known poem; one finds it in even the unlikeliest places." In 1914 "Reveille was reprinted to aid the British recruiting campaign"—a tribute from his adopted country (where he resided from 1880 to his death in 1902) which should have gratified him exceedingly, though (unlike Henry James) he always remained an American, both in fact and in attitude. Britain extended to him some of the recognition that the United States had failed to accord (or, at least, to sustain), but he did not go over entirely to the former enemy. When he died the young Gilbert Keith Chesterton gave him, in *The Pall Mall Magazine*, a typically paradoxical accolade, saying that Harte had been admirable because, while both an American and a humorist, he had not been an American Humorist.

Separated from his family and his native country for more than half his life, Bret Harte could hardly be characterised as a happy man after the first flush of his fame had faded, following his ill-conceived and mismanaged journey back East in 1871. Then he briefly had the world at his feet. *Chambers' Journal* hailed him in 1871 as "a new Trans-Atlantic genius": Ferdinand Freilgrath translated his poems into German in 1872; they appeared in French the next year and even in Magyar in 1875. . . . But has novel *Gabriel Conroy* (1875), though securing from *Scribner's Monthly* magazine, for the serial rights, the highest price—six thousand dollars—ever paid up to that time for an American novel, was not very well received (except in Germany, where it ran into fourteen editions), and his play *Two Men of Sandy Bar*, which ran for only five weeks in New York, was a flop. In his own San Francisco in 1878 it was to last just a fortnight! Harte then collaborated with Mark Twain in another play, *Ah Sin* (of blessed memory!), which survived a bare month in New York and helped to wreck their long-standing friendship. It was never printed. Then came a drivelling novelette, *The Story of a Mine*, written in Washington, D.C., to a political brief, for which (though chronically hard-up) he was never paid, for the publisher went bankrupt. He was glad to begin his long exile on being appointed United States Commercial Agent at Crefeld, Germany at the age of forty-two, apparently a used-up man. He was never to return to the United States.

Harte had some success as a lecturer in Britain, both before and after his period as United States consul in Glasgow, but his literary star had set. He continued to write voluminously, but nearly always to specification and to order—Byron's apostrophe of Walter Scott at "Half a Crown a line" would have fitted Harte too, at this time—often hastily rehashing his earlier successes. Dr. Stewart calls this period "Grub Street De Luxe." Harte made—and spent—money, but did not add to his reputation. The years ticked away while he shirked both the ordeal of returning home and that of sending for his by-this-time almost estranged wife and family. His agent, A. P. Watt, kept him busy, but did not make him contented. His portrait, painted by John R. Pettie, R.A., in 1890 (and reproduced by Stewart opposite page 298) shows a distinguished elderly man with a tired and melancholy face. He even wrote an advertisement for Sunlight Soap in 1892! His literary self-respect had long since departed; so had the California he had known and continued to write about as if it still existed. "The ditches were weed-choked, the flumes wrecked, the sluice-boxes rotten. California was growing wheat and fruit, and setting bait for tourists . . . he was plainly out of touch," writes Stewart (p. 301).

The *Overland Monthly,* of which he had been the proud first editor, implored in "Plain Lines to Bret Harte (July, 1898) and in a familiar meter:

> . . . I think that Bret Harte
> Should come back again
> To the land that is called California,
> And the reason I now will explain . . .

But he didn't—not even to New York in 1896 for the opening of his one successful play, *Sue,* which Frohman produced and kept in the repertory until after 1900. As late as 1899 Harte told his son, "I must work hard and continuously to meet my expense week by week," and when he died in 1902 he left in his will the total sum of £360. 6s. 9d (under $1,500 at the then rate of exchange). He was buried in Frimley churchyard, near to Camberley in what is now the Surrey "Stockbroker Belt," southwest of London. Mr. Stewart, with some fellow-feeling, says "He could scarcely have died poorer if thirty-two years earlier he had accepted a professorship at the University of California."

John A. Hawgood is professor of American History in the University of Birmingham, England, a chair endowed by the United States Government in 1964. He is a specialist in Californian and Western American history. His *America's Western Frontiers* was awarded the first Alfred A. Knopf Western History Prize last year and was issued by that publisher this January.

California I: Documentos para la Historia de la Demarcación Comercial de California: 1583-1632. Edited by W. Michael Mathes. (2 vols.; Madrid: Ediciones José Porrúa Turanzas, 1965. 1322 pp., 38 maps and plates. $100.00.) Reviewed by Manuel P. Servín.

Serious students of Spanish California history will not only be extremely appreciative, but indeed overjoyed by the publication of Professor Mathes' *Californiana I* which comprises Volumes 22 and 23 of the distinguished and scholarly "Colección Chimalistac de Libros y Documentos acerca de la Nueva España." *Californiana I,* as the subtitle indicates is a documentary collection for the writing of Hispanic California's explorations for commercial purposes during the period from 1583-1632—the neglected era of Sebastián Vizcaíno's commercial and exploratory enterprises in Baja and Alta California and in the East Central Pacific.

Like the preceding volumes of the "Colección Chimalistac," this work represents the most exhaustive and scholarly research on a singular aspect of the history of New Spain. Thus, *Californiana I*—unlike the usual single-document books—does not present one isolated event or account of an historical movement, but a definitive collection of every, or nearly every, contemporary document dealing with, or even touching upon, the important facet of exploring and chartering the coastline of the two Californias and of Pacific islands and lands bearing upon the province's commercial development.

That such research is not a simple, mechanical task is attested to by the years and months that Professor Mathes spent paging through innumerable *legajos* (bundles of documents) in the Archive of the Indies in Seville, the General Archive of Spain in Simancas, the National Library in Madrid, the Royal Academy of History in Madrid, the Secretariat of Treasury and Public Credit in Mexico, and the National Archives of Mexico. From these depositories, with their innumerable collections of manuscripts, the editor finally compiled a chronological collection of 188 documents relating to exploration of the Californias and historically related Pacific areas. He included the logs of Pedro de Unamuno, Sebastián Vizcaíno (around whom the collection centers), Lorenzo Ferrer Maldonado, Sebastián Rodríguez Cermeño, "as well as such supporting documents as Royal Orders, Viceregal correspondence, sailing directions and transcripts of hearings and law suits." He also included manuscripts treating such related topics as the Strait of Anián, the imaginary Pacific islands of Rica de Oro and Rica de Plata, the pearl fisheries in the Gulf of Cortés, the English and Dutch pirates in Northwestern Mexico and the Californias, and the Spanish Embassy to Japan (which affected California's history).

Professor Mathes, who is on the history staff of the University of San Francisco, demonstrated imagination as well as his experience as former Special Collections Librarian at the University of New Mexico in this compilation. In addition to publishing a readable Table of Contents describing each document briefly, a very complete Bibliography of Spanish and English published works on the volume's topic, and a brief but succinct Introduction, he included three very important guides for reading the manuscripts: a Glossary of geographic names giving both the old and new place names, a Table of Measurements and Weights equating the values of the Colonial Spanish system with that of the modern United States, and a most valuable Index giving proper names, subjects, topics, and subtopics.

Needless to state, Dr. Mathes, who has lived in Baja and Alta California, in Mexico, and in Spain, and who speaks Spanish fluently—a rare ability found in North American historians of Hispanic America—was excellently qualified for his task. He has made full use of his abilities, experience, and professional training: he has produced a scholarly contribution and has therefore filled a gaping hole in California's Hispanic history.

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The Rock Paintings of the Chumash: A study of a California Indian Culture. By Campbell Grant. (Berkeley and Los Angeles: University of California Press, 1965. 163 pp. $10.00.) Reviewed by Homer Aschmann.

Wherever they occur pictographs and petroglyphs tantalize the archeologist, and the provocation is especially acute when these creations represent a highly developed and obviously culturally patterned complex. The prehistoric artist left a strikingly overt record of his thoughts on a rock face, but what were his thoughts, and what was his intent? What values or practices in his culture induced him to obtain the pigments, devise means for fixing them on the rock surface, and apply them in designs that may cover hundreds of square feet? Even more prosaic questions such as to what tribe or language group the artist belonged and how long ago the pictograph was made prove to be difficult if not impossible to answer. In some instances, and this book presents evidence that the Chumash area is one, the rock paintings also form a significant part of man's esthetic heritage. Though exotic or even bizarre, the forms and colors stimulate the senses and disturb the spirit in the same way as do the contents of the Prado or the Louvre.

The area behind the Santa Barbara Channel, a district which at the time of European contact was occupied by bands speaking Chumash languages, is notable for the large number of sites with pictographs that it contains. Some eighty have been found, many newly discovered by the author. While most of them are in red and black and involve fairly simple patterns, several are spectacular productions using red, black, white, yellow, green, and blue pigments. Curiously the more elaborate paintings are found in the poorer and sparsely populated interior. The paintings near the coast and on the islands, one of the most densely peopled and culturally richest districts in all of aboriginal California, are few in number and relatively simple and crude.

For many years Mr. Grant has been a dedicated amateur of pictographs, visiting all known sites, exploring for new ones, often with success, in the rugged coast ranges, photographing them in color, and reproducing them as paintings. This book records and publishes the product of his study. Inevitably the author was drawn into an investigation of other aspects of the culture of the Chumash Indians, and a discussion of this culture forms nearly half of the book. It is solid but not sophisticated ethnography from documents and museum collections. Of particular value are the author's abundant line drawings of objects of Chumash material culture which he has found in various museums, and the reproduction of drawings and photographs that appear in obscure nineteenth century publications.

The interpretation of the pictographs is remarkably restrained. A careful analysis of stylistic features and design elements has been made; geographic distribution has been plotted against tribal locations at time of contact; comparisons with pictograph and petroglyph occurrence and styles in other parts of the world and especially in western North America are adduced; indications of post-contact drawing such as mounted figures, and instances of two sequent sets of paintings at the same site are noted. But only a modest amount of speculation as to the purpose or purposes of the pictographs is introduced, and no theory is too highly touted. One conclusion presented is that the rock paintings in this area are of relatively recent origin and are probably the product of the Chumash culture, and the conclusion is well supported.

The author shows similar restraint in expressing his deeply felt distress at the defacement of these works of art by modern vandals, particularly those who roam the hills with guns, and is all the more effective for it.

The ethnographic data and stylistic analysis of the text, however, are peripheral elements in this book. It is primarily an art book, documenting a little-known phase of man's artistic creativity. Campbell Grant has endeavored to reproduce a large number of the most interesting rock paintings, as accurately as possible, not as he found them, battered by the elements and in some cases by modern fools, but in their pristine brilliance. His paintings are wonderful, and a liberal set of reproductions is superb, a *tour de force* in the printers' art.

HOMER ASCHMANN, a professor of geography at the University of California at Riverside, is author of *The Central Desert of Baja California: Demography and Ecology.*

Half-Sun on the Columbia: A Biography of Chief Moses. By Robert H. Ruby and John A. Brown, with a foreword by Angie Debo. (Norman: University of Oklahoma Press, 1965. 377 pp. $5.95.) Reviewed by Kenneth Wiggins Porter.

Biographies of Indian chiefs are nearly always of great warleaders. Chiefs whose activities were primarily peaceful seldom receive such recognition. Moses —to employ the name which the missionary H. H. Spalding gave him and which he himself normally used instead of his chieftainly name Sulkhalthscosum or Half-Sun (after his father)—was active and bloodthirsty during the so-called Yakima War (1855-1858), but during his forty last and most significant years he was essentially a peace-chief, a diplomat. His biography—based on a wide variety of sources including extensive interviews—is thus particularly welcome.

This last hereditary chief of the Columbia Sinkiuse, a Salish-speaking people usually known as the Columbias, achieved his greatest triumph when, after staunchly refusing to join in the Nez Percé War and repelling advances from the rebellious Bannocks, he finally on April 18, 1879, obtained a separate Columbia reservation in northeast Washington for his own people and such Indians of other bands as wished to put themselves under his shrewd leadership. But his period of triumph was brief, for on February 23, 1883, an executive order—without consultation with or even notification of the Indians concerned—restored to the public domain a strip fifteen miles wide across the northern end of the reservation and in July of the same year Moses consented to give up his reservation entirely and move to the nearby Colville reservation. Even this was not the end, for in 1891 the federal government took back the northern half of the Colville reservation and in 1898, the year before Moses' death at the age of seventy, opened the remaining half to mineral entry.

Diplomacy Moses discovered, was effective only when the Great White Father needed his help to hold back the Indians of the Columbia from war which such recalcitrants as the Nez Percés, Bannocks, and Piutes were waging or threatening. With no war imminent and with Moses' support of peace assured, his influence declined. By 1891, indeed, he had given up all pretense of even peaceful resistance to the demands of the white-men's government, denouncing those who insisted on at least verbal objections as fools: "Don't you know that . . . if they want the land they are going to take it, whether we are willing or not?"

Moses' last years—like those of his friend and guest Chief Joseph, though in a different way—were thus one long anticlimax. The volume's editor believes that had he not "held his united tribes at peace in spite of an almost unendurable pressure" the entire area would have been "swept . . . with fire and death," and doubtless his peace policy did save the lives of hundreds of whites and—for the time being—Indians. But as he watched the dwindling of his land and the loss, one by one, of most of his relatives by white-men's diseases and in brawls induced by the white-men's firewater, he may—in the midst of gargantuan meals, prodigious consumption of illicit liquor, gambling, and horse-racing—have fleetingly envied Chief Joseph's "crowded hour of glorious life" and wondered whether his own people might not have died better in the Big Hole or at the Bear Paws.

Kenneth Wiggins Porter, who received his Ph.D. degree from Harvard University and who has written on relations between Indians and Negroes, is professor of history at the University of Oregon.

The Jesuits and the Indian Wars of the Northwest. By Robert Ignatius Burns, S.J. (New Haven: Yale University Press, 1966. 512 pp. $10.00.) Reviewed by Keith A. Murray.

This book is a first-rate addition to the Yale Western Americana Series by a competent Jesuit archivist and historian. Although the story of the Indian wars of the Northwest has been frequently told, Burns adds new dimensions to the understanding of White-Indian relationships during the decades of the 1840's, the 1850's, and 1870's. Although his title implies that he is covering all of the Northwestern Indian wars, he actually discusses only the conflicts of the Columbia Valley, its basin, and its tributaries. His basic thesis is that in each of the three wars that involved the "Interior Northern Indians" there was every probability of a general uprising, but that in each instance Jesuit priests on the scene were able to limit the conflict to prevent the troubles from spreading and to calm the fears of whites and Indians alike. He makes a solid case for his generalization.

Unlike most histories of an earlier time covering the same events, Burns does not allow his own religious predilections to distort his use of evidence. He is clearly inspired by the intelligence and saintly qualities of Fathers Joset, DeSmet, Cataldo, and others, but he leans over backward to be fair to Protestant missionaries like Spalding, Whitman, or Wilbur, who themselves had very little regard for Jesuits. Burns even finds it possible to write kind things about the unlikeable General Harney for his judicious dealings with Agent John Owen when that official almost wrecked treaty negotiations in 1858.

It is in his analysis of the complexities of those factors that produced the explosions of 1856-58 and the Nez Percé flight of 1877 that Burns makes his finest contribution to knowledge. He shows how in every instance the fears of the settlers that a general Indian uprising was imminent were well founded. Indians knew of every reverse civilian volunteers or army regulars suffered. News of United States difficulties during the Mormon War, or of the Yakima victory over Rains, the Palouse-Coeur d'Alene triumph over Steptoe north of the Palouse hills, or the Nez Percé treatment of Perry at Whitebird Hill spread from Indian camp to Indian camp like the proverbial wildfire. Each time intensely excited, individualistic young warriors disregarded the advice of older Indians and slipped out of camp to join hostile forces opposing the army. The author shows how almost a thousand different supposedly "peaceful" Indian young men were engaged in the Steptoe disaster. He also successfully relates Garnett's futile expedition through the Yakima and Columbia valleys to the more successful Wright campaign. At the same time, the author shows how close Wright came to complete disaster rather than to the triumph with which he is credited. Only Indian overconfidence and strenuous efforts on the part of the missionaries to keep most Indians out of the fighting prevented Wright and his straggling column from achieving the same dubious immortality that came to his own son in the Modoc War, or to Custer's command at the Little Big Horn. Burns also refutes the notion that Wright's slaughter of Spokane horses was the reason the Indians stopped fighting. In the first place, the horses belonged to a Palouse Indian, and in the second place he points out that it was not the killing of the horses, but the activities of the priests that brought a negotiated peace between the government and the northern Indians.

Burns cannot resist describing the ridiculous, anti-Jesuit prejudices of the nineteenth century, which were largely responsible for downgrading the services of the priests. In trying to balance the accounts, he described the background of suspicion and suppression of the Jesuit Order in Europe in the eighteenth and early nineteenth centuries. He notes the widespread belief held by many Americans that there was a plot between the Anglican governors of the Hudson's Bay Company and the pope to incite the Indians of the North Pacific coast to destroy American settlements in the Puget Sound and Willamette valleys. He points out that American officials like Governor Stevens and Agent Owen disliked all priests, although each professed to find certain specific individuals courteous and helpful. The author also tells of the services of Father Joset to the Coeur d'Alenes, and of Father Cataldo among the Nez Percés. He lauds Father DeSmet for bringing in the northern Indian leaders for peace consultations, and shows that only the stupidity of Owen prevented the great Yakima leader, Kamiahkin, from surrendering with the others.

The work is so excellent and so complete that it seems like nit-picking to note that the writer is not infallible. On page 168, for example, he strongly implies that the Tlingit raid (from Alaska) on Whidbey Island in August, 1857, was part of the general pattern of Indian unrest resulting from miners and settlers moving into the Columbia Valley without Indian agreement, which it certainly was not.

This kind of inference is so much out of character with the superiority of the rest of the book that it is startling. Since Josephy's study on the Nez Percé was not available when Burns prepared his manuscript, he can scarcely be faulted for failing to include some pertinent material that Josephy used, but it would have given Burns additional insight into the complexities of Indian relations just before and after the American Civil War if he could have read the Nez Percé story.

On the whole, *The Jesuits and the Indian Wars of the Northwest* is one of the soundest pieces of scholarly work on northwest history to appear in many years.

Keith A. Murray, who was born in Nez Percé, Idaho, is professor of history at Western Washington State College and author of *Modocs and their War.*

A Select Guide to Catholic California History. By Francis J. Weber. (Los Angeles: Westernlore Press, 1966. 297 pp. $12.50.) Reviewed by Sister Magdalen Coughlin, C.S.J.

Only those who have attempted serious study of California history can appreciate the importance of this contribution. For in assembling and sifting hundreds of works Father Weber makes here the first major effort to present "a handy reference tool for future researchers" in this key matter of the Catholic development in California. This is the second in a trilogy by the author devoted to this purpose. The first was *Documents of California Catholic History* (Dawson's Book Shop: Los Angeles, 1965).

Necessary limitations of such a guide are clearly established in the "Praenotanda." The Preface is itself a bibliographical essay surveying the work done in the field and pointing up the vast untilled expanses remaining in church history in California since 1840. It is also made clear that although area, mission or diocesan histories, biographical works, and other studies of particulars have been treated with varying depth, a satisfactory synthesis remains both the most prominent and most challenging need. It is obviously Father Weber's intention to help prepare the way for such an effort.

Although the author hints that his emphasis will be on the period after 1840, the *Guide* includes works that cut across the area from Priestley's *Franciscan Exploration of California* to the contemporary. The work is divided into eight sections: "Guides;" "Printed Sources;" "Periodical Works;" "Parochial, Religious and Institutional Publications;" "Unpublished Works;" "Journalism;" "Diocesan and Parochial Directories;" and "Archival Depositories." The listings are annotated only "where the title fails to indicate clearly the nature of the publication's contents or where is seems desirable to identify the special features of a particular work."

The only section in essay form is "Catholic Journalism in California," an expansion of an earlier published article by the author. It is, however, essentially a listing. There is no indication that this is a "select list," and there is little indication of the relative quality of the papers.

The sixty-four page Index is carefully done and replete with helpful cross references. A bit more of this cross referencing in the text might have made the *Guide* itself even more valuable. For instance, the two listings of nineteenth century Catholic periodicals by Thomas C. Middleton might appropriately have been placed in Section I, "Guides," as well as in notes on pages 139 and 145 in Section VI, "Journalism." The same is true for the *History and Bibliography of Southern California Newspapers* of Muir Dawson (p. 138 n.).

These, however, are pitifully slight matters in a work of genuine value. And the handsome edition enhances this value. Both the format and printing match the quality of research.

This work reflects the enthusiastic interest and scholarly patronage of His Eminence, James Francis Cardinal McIntyre. And it is an assault on a major obstacle to further work of quality in this area of California history. For it is the author's own diagnosis that "The long delay in producing a history of the Catholic Church has been due, in great measure, to the paucity of primary source material available to scholars" (p. 157). With this work Father Weber takes a significant step toward providing both an extremely useful tool and the encouragement to alleviate this delay.

Sister Magdalen Coughlin, C.S.J., a graduate of the College of Saint Catherine and a doctoral graduate student at U.S.C., is presently on the history staff of Mount Saint Mary's College.

Gump's Treasure Trade: A Story of San Francisco. By Carol Green Wilson. (New York: Thomas Y. Crowell Company, 1965. 306 pp. $8.95.) Reviewed by John B. McGloin, S.J.

In this present volume Mrs. Wilson has revised and brought up to date her earlier and well received story of Gump's of San Francisco. This expanded edition includes sixteen color plates as well as ten black and white photos. The significant narrative of which she treats brings things up to and including the background story of the Avery Brundage Collection of Oriental Art which now is housed in a new wing for Asian Art in the H. H. de Young Memorial Museum in Golden Gate Park, San Francisco. As was to be expected, the name of Gump enters largely into the story of the various acquisitions which make the Brundage collection one of the most outstanding and significant in the world. It would seem that this present revision, even more than the first, emerges as a worthy and significant addition to the flowering field of literary San Franciscana.

Within these pages, one may find the interesting story of the Gump family and of its business history in San Francisco. "On a spring morning of 1863," says the author, the thirty-eight year old Solomon Gump arrived in the city and it was not too long before plans were under way which were to result in the formation of one of San Francisco's most enduring economic enterprises. Like the city itself, Gump's has had its days of tranquility and of comparative peace as well as being a victim of destruction in the holocaust of 1906: indeed, one of the more interesting of the chapters in Mrs. Wilson's account deals precisely with the aspects of how Gump's died with San Francisco and was reborn with it because of the high courage and determination of the family which owned the business. However, not only the so-called Iron Age of San Francisco finds treatment here; one also finds a delightfully literary and relaxed account of the former Silver and Golden Age (1870-1906) of the city as they were related to the Gump enterprise. The whole emerges not as a unique but as a solidly significant series of pages in San Francisco's past. One learns with interest that many of the names and places made familiar in other contexts assume new importance when told against the backdrop of Gump's and its undeniable influence on the cultural as well as the economic history of all of Northern California and, eventually, of much more extensive territories.

The human element of the Gump story, including the unfortunate divorce which shattered the happiness of son Abraham Livingston Gump (1869-1947) is sympathetically related by Mrs. Wilson; with sure touch, too, she tells of that dimmed eyesight which resulted in total blindness for Mr. Gump—an affliction to which he would never yield or which he would not allow to conquer his brave spirit. And, since much of significance has happened in the Gump story since 1949 (when the first edition was published) the details of the last few chapters will be well received—especially, as indicated above, when they give background for the Brundage acquisitions. In summary, then, it is good to see an old friend in newer and more complete dress. Obviously, the Gump story forms a significant page in San Francisco's economic past and present and the family is fortunate in that such a writer as Carol Green Wilson has so well and so faithfully recorded this past.

John Bernard McGloin, S.J., is a native San Franciscan and professor of history at the University of San Francisco. A specialist in San Francisco's history, Father McGloin has just published his biography of Archbishop Alemany, *California's First Archbishop.*

Above the Civil War: The Story of Thaddeus Lowe, Balloonist, Inventor, Railway Builder. By Eugene B. Block. (Berkeley: Howell-North Books, 1966. 188 pp. $4.50.) Reviewed by Robert Higham.

Eugene B. Block, long a Bay Area journalist, has produced a very readable, beautifully illustrated book on Thaddeus Lowe, the self-made scientist and inventor. Born in New Hampshire, Lowe emigrated from New England and eventually settled after his ballooning exploits in the Civil War in the Philadelphia environs. Late in life he moved to Pasadena and contributed to that area his electric railway to Mount Wilson and gave his name to a mountain. One of those many-sided gentlemen of the nineteenth century, he made contributions in a number of fields. Unfortunately, like many another inventor, his ideas were ahead of their times and he lacked reasonable business acumen because his faith in his rightness exceeded public credulity.

Born in 1832 and dying in 1913 he spanned the century. His researches in the upper atmosphere led him naturally to ballooning and to Joseph Henry, director of the Smithsonian Institution. It was through Henry that he was introduced to Lincoln, who personally took Lowe to see the commander-in-chief, General Winfield Scott, and thus launched the Balloon Corps. Much of this story has already been told by Mary Hoehling in *Thaddeus Lowe, America's One-Man Air Corps* (1958). One can detect in it also the single-mindedness of the inventor leading to troubles which might have been avoided if he had been shielded by an officer wise in governmental administrative procedures. Nevertheless, his exploits made *Harper's Weekly* and brought him national fame. After the war he went into water-gas production and refrigeration before moving to California. Like many others, he made and lost fortunes.

Block's book is by no means definitive. He has told the good journalistic story, with the result that as a biography the book is unbalanced. Almost one-half the book is devoted to ballooning, and most of this on the three years of Civil War service. Of the remaining fifty-odd pages of text, thirty deal with the Mount Wilson railway. Thus we are left with but twenty pages covering the years 1864-1888 when Lowe is said to have produced most of his inventions and made most of his money. Obviously, therefore, there is room for another work on Lowe the nineteenth-century inventor. A fascinating side-story which might interest a feminist is that of Leontine, his wife. This attractive mother of ten was also an inveterate traveller and a patron of scientific arts.

One suspects that the publishers have tried to cash in on the Civil War centennial with the title, which might more accurately have been *Above the Civil War and up Mount Wilson*. Nevertheless, for the nonscholar this is a readable story reviving in its last chapter an interesting piece of California history.

Robin Higham is professor of Technology and War at Kansas State University and the author of a number of books on aviation. Dr. Higham taught at the Webb School of California and received his A.M. degree from Claremont Graduate School.

Historic Place Names in Orange County. By Don Meadows. (Balboa Island: Paisano Press, 1966. 141 pp. $9.50.) Reviewed by C. E. Parker.

A reference work is primarily a research tool for the use of the historian. *Historic Place Names in Orange County* by Don Meadows is just such a resource material. Its value as a resource book lies in the fact that it has brought together virtually all the place names—those still known, along with those long forgotten—and gives a brief background as to the origin of each. As a reference tool it translates the Spanish terms into English, numbers each place name, and has cross references by such numbers where such place name may be listed under two or more names. The local historian of Orange County will regret that in some instances the author has been far too brief in giving background to the origin of some names. Source material presently exists on additional background to a number of the names included in this work; however there are numerous items that can hardly be more than minor reference points on long forgotten maps. For instance, the railroad historian will be interested in the flag stop of Apio, which the book lists as a stop on the old Santa Ana at the Huntington Beach line of the Pacific Electric Railroad. He may also be interested in Branagan's Spur, which was the spur of the Southern Pacific Railroad in 1913 connecting the Branagan Glass Company near the bluff on which present day Hoag Hospital now stands. I would seriously doubt that there is much more than an old title company map available today with any mention of such landmarks.

Under item 179, the author notes the origin of El Modeno. As he notes, the town was originally El Modena, but in 1910 was changed to El Modeno. However, he fails to note that the primary motivation for this change was due to the efforts of the eminent California historian, Zoeth Eldredge, who assumed that the town was of Spanish origin. However, local historians have always known the community was named after Modena, Italy, and the name should have been left alone.

On the meeting of Bolsa de Quigara, item 81, the author's explanation that the name may have reference to the Spanish word "Guijarro" is well taken. However, some Spanish language experts have indicated that "Quigara" is a Spanish idiom for the "jaw of a horse." This possibly would apply to the Newport back bay as in the early days the shape of the bay was like that of the "jaw of a horse." As to item 33, this reviewer would accept the second version of the origin of the name "Anti-Fat Canyon." It is most probable that that canyon was named after the "Mule Fat" or tall, bushy plant that was abundant in that canyon.

In the middle of the book are several pictures and plates of early pamphlets and posters dealing with the history of Orange County. These plates will be of great interest to the local historian in Orange County.

On page 114 the various ranchos located in Orange County are also listed with a brief background as to each.

For one who likes to visit historic landmarks in the Southern California area this book will be a wealth of information. From Cristianitos Canyon in the south to Santa Marta in the north, this passage through Orange County via the pages of the book, *Historic Place Names in Orange County*, should be of interest to all Orange County citizens today.

C. E. Parker, a specialist in the history of Orange County, is a member of the California Historical Society's Committee on Historic Names and Sites.

Writings of Fermín Francisco de Lasuén. Translated and edited by Finbar Kenneally, O.F.M. (Washington, D.C.: Academy of American Franciscan History, 1965. Two volumes; 413 and 464 pp. $25.00.) Reviewed by Edwin A. Beilharz.

The Franciscan Academy has taken another major step with the publication of these volumes toward its goal of making available the rich documentation of California mission history. Already on hand are Tibesar's three-volume *Writings of Junípero Serra* issued in 1955-1956, *Palóu's Life of Fray Junípero Serra*, translated and edited by Geiger in 1955, and the magnificently documented *Life and Times of Fray Junípero Serra* which Geiger produced in 1959. Kenneally's documents carry us down to 1803, the end of Lasuén's presidency of the California missions. The bulk of the papers fall between 1792 and 1802, in the governorships of Arrillaga, Borica, and Alberni. It is impossible to give any adequate conception of the richness of detail which these documents reveal. Of particular interest are the lengthy replies which had to be made to the religious superiors in the City of Mexico on request, when problems arose on which those superiors needed fuller information. Replies of this sort ARE meticulously detailed and circumstantial: one of them, dated in 1801, consists of 130 numbered sections and runs to forty pages of print; it evokes a most vivid view of mission procedures and the work of the missionaries. In the same category can be placed the eighteen printed pages of judicial proceedings of 1786 into the death of a neophyte, the summary of financial difficulties made to Ugarte y Loyola in 1787, and the report to the Bishop of Sonora in 1797. Mention might also be made of the Mission Inventories of the Lasuén period, appended to the second volume, which run to ninty-four pages in print. The bulk of the letters are of the brief sort one would expect from a busy administrator, but many of these will help elucidate problems in California history. Taken all together, the Lasuén materials represent a windfall for the scholar and general reader alike.

There are minor flaws. Some of the dates and page citations in the footnotes need to be rechecked by those who use these volumes. The notes themselves might well have been expanded to provide more of the historical setting. Some liberties were taken both with the translation and with the sentence and paragraph arrangement—though it should be said the translation reproduces the meaning of the original very well, and the changes in style are clarifying.

EDWIN A. BEILHARZ, a doctoral graduate of the University of California at Berkeley, is professor of history at the University of Santa Clara.

HISTORIES OF ASSOCIATE MEMBERS

THE SAN MARINO CITY CLUB

THE SAN MARINO CITY CLUB, now forty years old, was first organized by ninety men at a meeting held on December 4, 1926, at the Southwestern Military Academy in the heart of the old residential section of the city. It was first called the "San Marino Improvement Association," but two months later the new name SAN MARINO CITY CLUB was officially adopted.

The objects of the club were listed "to advance the interests of the territory within the boundaries of the City of San Marino and adjacent territory, to secure for the district adequate public utility service, and to work for the betterment of the City of San Marino." Membership was limited to "persons residing, owning property, or engaged in business in the territorial limits of the club," and the dues were $5.00 each year.

The purposes of the club are still essentially the same, but have been expanded to include the encouragement and promotion of high standards of citizenship of the people in the community, to secure the best civic, educational, and cultural services and facilities possible, and to encourage sociability, good fellowship, and co-operation among its members and citizens of the community. Membership has grown to 550 members and is limited to men living within the San Marino School District.

SAN FRANCISCO REAL ESTATE BOARD

On February 16, 1905, a group of 35 of San Francisco's leading real estate agents adopted a constitution and bylaws and organized the San Francisco Real Estate Board as a nonprofit association.

The chaotic condition of the real estate business prior to the organization of the board made it evident to all responsible traders in real estate that some united effort must be made to establish rules of conduct between brokers and the public.

This resulted in the establishment of the code of ethics which was the basic rule of conduct for many years. Since it only applied to members, however, the necessity for a real estate law was recognized by the passing of the California Real Estate Act. This board assisted in the preparation of the code and helped pass it.

After 44 years the need for incorporating the board and changing the bylaws to meet new conditions was recognized. On July 29, 1949, after a year of deliberation, the San Francisco Real Estate Board was incorporated under the laws of the state of California as a nonprofit corporation.

Today the Board has the distinction of being one of the largest boards in the nation with a proud history of accomplishment and is looking forward to many more years of service to its members, the public, and the community.

Book of Remembrance

On view in the Society's mansion is a finely bound "Book of Remembrance," recording the names of persons in whose memory contributions have been made to the Library Fund. Below are names that have been inscribed for 1962 and 1963.

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* * * * *

Ships That Sail No More

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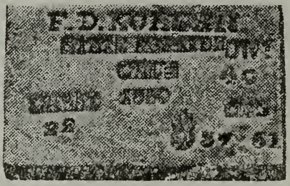

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Pre-Henry George Land Warfare in California

By PAUL W. GATES

The Historical Background of California's Constitutional Provisions Prohibiting Aid to Sectarian Schools

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JUNE 1967

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Boston Smugglers on the Coast (1797-1821): An Insight into the American Acquisition of California

By MAGDALEN COUGHLIN, C.S.J.

THE INITIAL LINK in the chain of events that brought New England into contact with the California coast was the voyage of the Englishman, James Cook, in 1776, when he found that a sea otter skin purchased on the Pacific coast brought $100 in Canton.[1] Although news of this find[2] seeped out,[3] the impact of Cook's journals was delayed by the British government withholding publication until after the war, when they were published in London in the winter of 1784-1785.

It was in this same year, 1784, that an independent American voyage provided a further link–the *Empress of China* sailed from Boston to China. Samuel Shaw, the supercargo of this vessel, made it clear upon his return that since specie was so scarce in the Confederation unless something valued in Canton was found, the promising Boston contact would be squeezed out by the competition of the established British who had the Indies and the Moluccas to draw upon.[4]

It was essential to New England, however, that this new trade area continue to open, for as a result of the crushing restrictions on the Atlantic and Caribbean, the English could boast, "the 600,000 tonnage of

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shipping usually employed in that trade are now entirely English bottoms whereas before they were nearly one-half American."[5] The well-established merchants of New England, driven from familiar waters, therefore, needed new openings for survival. But the wily New Englander, who had met these trade regulations with smooth and cocky smuggling, was determined to break into world trade. And so once again he drew upon his resourcefulness and answered this new challenge.

It was now, therefore, that the enterprising Bostonians dropped the clinching link into place. A group of Boston merchants formed an association to combine the valuable fur of the Pacific with the China trade, forming a new three-cornered trade which would dominate American commerce for decades. To carry out this Boston scheme the *Columbia* under Robert Gray and the *Washington* under John Kendrick left Boston for the Pacific in 1787. Thus the New England invasion of the Pacific began, and although some of the resulting contacts did not directly concern the West Coast, much of it led to significant repercussions there.

To understand the significance of the experiences of Gray and Kendrick, however, and of the scores of American traders to follow them, it is necessary to first understand the situation on the Spanish-controlled California coast onto which they came. Spain held the mercantilistic thought of the seventeenth and eighteenth centuries that trade was a stagnant reservoir which must be jealously guarded, for sharing could only mean loss. The resulting Spanish policy, having roots in the Bull of Alexander VI, which made the New World the personal property of the Castilian monarch, had been restated over the centuries in trade restrictions[6] and regulations which forbade unlicensed Spanish efforts and strictly blocked foreign trade. The roots of a sharp conflict were planted, then, when in 1769, the Spanish began their advance up the West Coast to block English and Russian overtures in the north, for the supply base established at San Blas was unable to maintain the colonies with materials needed for survival. The headwinds on the coast were often insurmountable[7] and the ships available were desperately few. Even the most interested and conscientious viceregal efforts to maintain supply ships were relatively ineffective. Thus from San Diego the pioneer Franciscan missionary, Juan Crespi, wrote Francisco Palóu,

> Though his Majesty has put his hand to so much new Christianity as is here, what are we to do if there is not wherewith we can maintain ourselves? If the escort for a long time is maintaining itself with the sole ration of a half a pint of corn, and of only twenty ounces of flour, daily; and the Fathers the same with a little milk—how are they able to endure? . . . God grant that Father Dumetz arrive promptly with the succor for these missions, and that the Barque bring it to us. For otherwise we are lost.[8]

A number of Spaniards attempted to alleviate the pressing need, and at the same time utilize the valuable sea otter so very plentiful on their own coast, by establishing the logical trade with China. But in each case the restricting economic policy allowed the powerful Philippine Company to block these efforts.[9] At the same time any foreign effort was met with the Spanish policy expressed by Viceroy Montesclaros:

> in the Pacific . . . your Majesty desires, as is right, to be absolute and sole ruler, and to shut the gate to all who do not enter under the name and title of vassals.[10]

Thus from the very beginning a basic conflict was inherent—a conflict between an official policy of trade control on the one hand and on the other the needs of the far removed Californian colonies with which official Spain proved unable to cope.

This problem of supply was to be even further complicated by the American Revolution, the wars of the French Revolution, and most importantly, the Spanish-American Wars of Independence. For through this whole period, Spain was forced periodically to lower the bars to neutral shipping.[11] And these exceptions to a strictly enforced law provided an invitation, for when both trader and colonist experienced the benefits of the resulting trade it was almost impossible to stop. Contraband trade came to be to the advantage of everyone—at least everyone on the scene, if not in official capacity in Spain. The foreigner had an extremely lucrative trade, the colonists had goods otherwise unattainable, and the colonial official often found co-operation with the foreign merchants a most opportune means to supplement his meager wage.

Thus smuggling became a constant source of challenge to Spanish control on the West Coast, especially when the traders, following the otter south, found them even more plentiful in the Santa Barbara Channel. Although the American merchants were few in the opening years of the sea otter trade, they were quick to feel out the weakness of the Spanish policy in practice on the California coast, to challenge their control, and eventually to contribute to the deflating of the Spanish strength. Certainly the American assault was in no way a major cause of the Spanish decline, but the activities of the New England smuggler is an interesting angle from which to watch it. This early American experience in California served as a thermometer of the Spanish loss, and at the same time, of the rise of the interest that would lead to eventual American occupation.

For it was to be the Boston merchant who would gain the monopoly and become the spearhead of this challenge to a Spanish California.[12] The competition of English trade was largely eliminated by the conflicting monopolies of the Indies Company and the South Seas Company,[13] the Nootka Treaty of 1790,[14] and the constant tensions of the build-up to the War of 1812. The Russians were seriously curtailed by being barred from Chinese ports. Thus the American smuggler would gain such dominance that by 1816 the *London Quarterly Review* would remark that direct trade with China from the Pacific Coast was almost entirely in American hands.[15] But this position of eminence took a great deal of persistent, careful, and brazen smuggling.

The move from the Atlantic to the Pacific Coast began with the first efforts to execute the Boston plan of a combined West Coast-China trade. And although it would take the merchant years to entice the diplomat to the California coast, even in this first thrust of Kendrick and Gray in 1787, which was essentially economic, their government was not totally disinterested. The traders carried official letters by resolution of Congress,[16] and Gray was to tell the English captain they met at Nootka

> that he had sailed, in company with his consort, the *Columbia* . . . under the patronage of Congress, to examine the coast of America, and to open a fur trade between New England and this part of the American continent, in order to provide funds for their China ships, to enable them to return home teas and China goods.[17]

However, the aspect of this first voyage that is of most interest here is the Spanish official reaction to this first encounter with Boston. When Kendrick stopped at the Island of Juan Fernández for repairs badly needed due to a storm, the Spanish commandant, Don Blas Gonzales, was very helpful. The power of the impact of this benevolence upon official circles, however, was shown by immediate action. The commandant was recalled and arrested for allowing a strange ship to leave harbor, thus disobeying the royal ordinance of 1692 that every ship in these waters not licensed by Madrid be treated as an enemy. The incident was considered so serious that the Viceroy of Peru sent a ship to intercept the *Columbia* and the Viceroy of Mexico and authorities all along the California coast were notified. It was Kendrick's stop, coupled with the Russian threat, that inspired the Viceroy of Mexico to send Esteban Martínez on the investigation which led to the Nootka Controversy, and he was also instructed to look for possible sites for further colonies to protect the coast. Thus Spanish authority arose with alacrity to meet this new threat to the "Spanish Ocean." On May 13 of 1789 Fages wrote José Argüello, then commandant at San Francisco, about the *Columbia* which is said to belong to General Washington[18] and ordered him, General Washington or not, to capture the ships if they came into San Francisco. This document is the earliest reference to the United States.[19]

From this and similar experience it was clear to the New England men what their reception would be:

> When I first visited the ports of Brazil, of Chili, of Peru, of Mexico, and of California, they had been for ages, and were then, so exclusively used for their own respective flags, that the admittance of one of a foreign nation was granted only on the most palpable evidence of a necessity, which it would be inhuman not to relieve. When admitted, no individual belonging to the vessel was permitted to land, or to walk the streets of the city, without the disagreeable incumbrance of a soldier following him . . .[20]

However, it did not take these Yankees long to realize that Spanish theory was almost impossible to practice on the California coast. Although they were received in these early contacts of 1790's with gracious Spanish gallantry, but a firmness reminiscent of Kendrick's treatment of 1787, these sharp New Englanders, keen in the ways of the sea and commerce, were quick to note that while the Spanish acted with royal command they had little to back it up. Richard Cleveland remarked on their lack of ships:

> It is very remarkable, and strongly indicative of the low state of Spanish commerce in these seas, at this period, that, from the time of our departure from Valparaiso, to that of our arrival here [San Blas], and sailing all the time not very distant from the most beautiful coast to navigate in the world, we did not meet or see a vessel of any description.[21]

That this situation was not rectified, but remained the same into the heyday of American trade is clear from the Russian Langsdorff's observation a few years later:

> This total lack of vessels, which are, so to speak, keys to all their southern and eastern possessions, is a strong proof of the recklessness of the Spanish government.[22]

However, a glance at the regulations of the period indicate that this was not recklessness, but necessity, and also that Spanish weakness was not confined to the sea:

> Thus the Garrison [San Diego] will be reduced to one Lieutenant, one Ensign and thirty men, including a Sergeant and two Corporals, wherewith it shall attend to the sorties and duties of the Service. To the next is 170 leagues (708 miles).
>
> That of San Carlos de Monterrey be of the same number of men as the preceding . . . and there shall remain in the Garrison, for the duties of the Service, a Lieutenant, and Ensign, a Sergeant, two Corporals and 27 Soldiers. It is 27 leagues (112 miles) from the next.
>
> That of San Francisco will consist of Lieutenant, Ensign, and 31 men . . . and will have left for the service of the Post, a Lieutenant, Ensign and 19 men, including a Sergeant and two Corporals.[23]

With the realization of this small group of men being the sole protection of a great expanse of desirable coast an understanding of the many difficulties of enforcement became possible. It is also understandable that the Americans should not be intimidated. Their own government objected to the Spanish "ownership" of the Pacific[24] And the ease with which Spanish control could be thrown off was starkly clear to the New Englander by the opening years of the nineteenth century. They looked forward already to the days of open trade and to the prosperity this would bring:

> The conquest of their country would be absolutely nothing; it would fall without an effort to the most inconsiderable force. . . . In a word, it would be as easy to

> keep California in spite of the Spanish, as it would be to wrest it from them in the first instance.[25]

The *Otter* of Captain Ebenezer Dorr was the Boston ship to raise the curtain on this drama between the bold American and Spanish officials —a drama that would, in the final act, reveal Spanish defeat. If read with care, the records of this first year, 1796-1797, tell the whole story. For in this year it is recorded that the Spanish *Concepción* and *Princesa* "have come to guard the ports of California, March 7th, and April 13th."[26] And later "Gycochea [*sic*], commander of *Santa Barbara* keeps guard up and down the coast, to see if they can discover the "Fama" but see nothing."[27]

An even more telling indication of the building action in the first year of notable smuggling is that here and there in the "Record," from May to July, it is recorded at least six times—"large vessels seen off coast"[28]—ships that did not call on official Spain at all. This, of course, is what makes this early contact of American traders with the California coast so illusive, and yet so fascinating. For smugglers do not register as such, and so they must be followed where they have tried to leave no trace.

Further light on these first years, however, comes from another source. The Boston firm of James and Thomas H. Perkins and Company leave an early record of explicit directions for the combined West Coast-China trade. James Rowan, captain of the *Eliza*, carried a letter in 1798 that shows a full understanding that the California coast could be very profitable, but only if Spanish officials could be side-stepped:

> Our calculations is that you will arrive on the n. w. Coast by the middle of January, where you will carry on a brisk trade . . . that you will leave the Coast by say July and arrive by the 1 August at Mont Rea and remain on that Coast until the 1 November where we hope you will collect 40 or 50 m dollars with which you will proceed to China. . . . Should your Collection of Furs be less than 2000 provided you meet with success in your Southern Trade; it will be best you should go to China with the skins you have, and the Dollars, but should you not get any skins and fail in the Spanish trade also, it will be best to return to the n. w. coast . . .[29]

Rowan's action showed an understanding of the situation and also established a pattern of approach that would be used by the American merchant throughout this whole period. With this letter in his hand, and his mission clearly understood, Rowan arrived in San Francisco May 24th, and stated his purpose quite differently to the Spanish officials. He made use of the only legitimate purpose for entrance to a Spanish port—the need of essential supplies or help. And so Rowan, as would scores of compatriots after him, asked for wood, water, and a safe place in the stormy season. That Rowan had been preceded by a few typical Massachusetts men is indicated by the fact that Governor Diego de Borica recognized it as a thin cover for contraband trade, especially when he heard that the supercargo was John Kendrick, Jr., who had been a pilot for Spanish coastal vessels and knew the country well.

Official Spain was not to allow her policy to be flouted without any attempt at resistance, however. But smuggling can be very difficult to pin down, especially when a few petty officials co-operate with the foreigner. While Spanish officials were convinced, even in these early stages, that illicit trade was going on, perhaps the first documentary proof to substantiate their convictions, and give basis for action, was supplied by a Bostonian himself. The only American ship to enter a California port in 1800, the one to follow the *Eliza*, was the *Betsy* under Charles Winship, which put into San Diego August 25. Again the story of the need of wood and water was used, and then Winship sat down to write his brother of what had really occupied his time—trade with the Indians along the California coast. Soon he left San Diego, covered the lower coast for several months and then stopped at San Blas. This time his story was of a lengthy and difficult sailing in the north where his main mast had been broken. That he was admitted reveals a definite weakness in the Spanish system. For at this point the practice of immediately handing on marine data was not yet established. Therefore, a ship could call at any number of ports, ask for supplies, and trade under cover—and the Americans, quick to feel out any weakness, made great use of this. But after Winship left San Blas the Spanish were able to put together quite another story, for the reports had come from San Diego and Winship's letter to his brother had fallen into Spanish hands.[30] It was this episode that sparked action.

This first official effort to fight back failed for the most part, however, For although the officials became much more cautious, international maritime law still required they help anyone in distress. And while officials recognized the Americans for what they were, it evidently was not possible to maintain a strong coastal patrol, for frequent evidence drops out of the "Record" after 1797.[31] Thus while the Americans both increase in number and boldness, the Spanish were unable to heed their superior's admonition, and many seemed to become increasingly more unwilling to pretend. Thus both Americans and Californians experienced further evidence of the ineffectiveness of Spanish policy and control on the one hand, and on the other the further entrenchments of American interests.

While before 1800 relatively few American captains ventured onto the California coast, these learned fast how profitable and possible the trade was. By 1803-1804, therefore, the trade had reached more significant proportions, and four ships put into California ports.[32] And if this many dared to meet the Spanish officials openly, how many more must have sailed the coast and islands! Thus Bostonians burst into the Pacific in such numbers that coastal Indians came to call all Americans "Boston men," and an even more singular indication of their dominance was that an Indian being baptized was described as the son of an Indian killed by Gray of the *Lady Washington*, "belonging to the Congress of Boston."[33]

A great deal can be seen in the first New England call in 1803. It was the *Alexander* commanded by John Brown that came into San Diego on February 26. The same pat plea for supplies and care for the sick was given, and Commandant Rodríguez was forced, although reluctant, to allow them to stay. Perhaps Rodríguez's reluctance was enhanced by his inability to gather enough soldiers to put a guard on the ship during the first night. He was to learn later that it was then the illicit trade began. It was not, however, until four days later that Rodríguez got a strong enough hint of smuggling to warrant a search of the vessel. But upon investigation 491 skins were found and confiscated, and Brown was forced to leave port immediately. In this course of events there is nothing extraordinary, this was becoming the pattern. But two letters came as a result of this incident, and each is revealing. One letter from a priest at San Luis Rey, asking that the 170 skins the Indians had sold the Americans be returned,[34] was one of the first explicit indications of the major part mission padres were to play in American success on the California coast. The other letter is even more significant in showing the slip of Spanish control. A corporal at San

Diego wrote Governor José Joaquín Arrillaga asking for the return of the 223 otter skins he had "pretented" to sell to the Americans[35]—a clear indication that by 1803 the New Englanders had found their men at the various major points along the coast.

This is substantiated by another incident in this same voyage of *Alexander*. After being at San Quentin and San Juan Capistrano, Brown went into San Francisco in May. A letter from Mariano de Castro to Arrillaga reported a hint of what is soon clear—even major officials were contributing to the spread of dependence on the Americans. He was quite sure that trade with the soldiers had taken place. But perhaps most telling of all is the attitude he expressed to the governor about this situation, for he ends his letter with but "¿Quien sabe?"[36] The people wanted the things Spanish sources simply were not supplying, the missions were developing fast now and more people and soldiers were coming. Also, California was the farthest removed from the seat of authority in Mexico, and the surveillance thinned out noticeably, affording an opportunity for officials to supplement considerably their meager salaries. Without either adequate coastal patrol or presidial garrisons what could the official's attitude be but "¿Quien sabe?"—it was like fighting a plague with a fly swatter.

The Spanish reaction to their final encounter with Brown clearly indicates they realized their extreme vulnerability—as well as American aspirations. For, after being refused entrance to San Francisco, Brown was finally admitted to Monterey, only to slip from port in the fog of the night to avoid paying for provisions he had loaded for three days. The rumor immediately spread that the *Alexander* was off to join an American ship in San Francisco, the *Hazard*, for a joint attack on the capital. In this eventuality, the attack of two American merchant ships, the Spanish anticipated almost inevitable defeat.

But perhaps the best documented of any of the New England trading voyages in this year is that of William Shaler and Richard Cleveland who brought the *Lelia Byrd* to the West Coast for the first time in 1803, and into San Diego only a few weeks after the *Alexander* incident. This was not their first experience with the Spanish policy, however, for on their way they had traded on the east and west coasts, and had serious trouble with Spanish authority in Valparaíso.[37] In the course of this exchange Shaler, an educated man who would later be an American consul,[38] argued with the captain general and stated the strong American feeling that the Spanish could not expect to rule the Pacific and bar out non-Spanish ships,

> giving chapter and verse in the treaty, not only for our right to sail where we please, but to enter their ports and demand succor.[39]

The captain general side-stepped this incontestable assertion,

> by expressing a hope, . . . we would, at least, allow them to be masters in their own ports.[40]

Shaler was to find even this was no longer true. For upon reaching the Mexican coast they obtained 1600 otter skins at San Blas through a Mexican official. From here the Count of Rouissillon,[41] the third of the partners, went to Mexico City to ask the Viceroy's permission to trade:

> a second memorial, accompanied by a judicious application of a small *doucour*, had been the means of obtaining leave for the disposal of goods to the amount ten thousand dollars.[42]

But only,

> by agreeing to sell the cargo, at a trifling advance on the invoice, and to particular persons, a permission might be obtained to dispose of the whole; i.e. that if we would consent to give up the profit we were seeking to those who had influence with government, they would obtain the requisite permission.[43]

The New Englanders' attitude was clearly becoming one of cynical contempt for a system which attempted to maintain the machinery and machinations of a powerful empire, took pride in firm official stands of authority, and yet on every hand was weak and ineffective in operation.

However, the men of the *Lelia Byrd* were shortly to find that while the system was becoming weak, the effort to be effective was still not completely gone. For upon proceeding to San Diego, where they had heard skins could be obtained, they encountered the indomitable Rodríguez who came with great official pomp and placed a guard on their ship. They soon learned of the skins he had taken from Brown, and acting according to their belief that the most direct means of obtaining furs was through the officials themselves, they approached Rodríguez to make a deal. When Rodríguez would not even discuss it Cleveland concluded,

> there is no doubt that he would have been as well pleased to sell as we should have been to purchase them, if the transaction had been practicable without being known to the people, yet, as this was out of the question, and they were all spies on each other, he dared not indulge his desire of selling them to us. Had Brown negotiated with the commandant first, it is most probable he would have obtained the whole quantity, and, at the same time, have avoided the humiliating perdicament . . .[44]

Actually Cleveland misread Rodríguez, as he was to suspect when furs they were smuggling from the shore were seized, and then subsequently, in their attempt to escape from the harbor, they were fired upon in the "Bloodless war of San Diego."[45]

Official Spain was still often effective in California in 1803, then, for at least in some cases the official did not raise the stick with one hand while holding out the palm of the other. The Spanish system was surely not always the operation of corrupt men—but often of a proud Spanish nationality with justifiable pride in a heritage which was no longer a reality. This was indicated further by the real tightening of Spanish control after all the activity of 1803-1804. For now, when the Americans tried to go from port to port, pleading need for supplies and repairs, they found a circular letter had preceded them. The Viceroy's sharp reminder that Spanish law must be enforced was accompanied with the instruction that every detail of foreign arrivals be given to all port commanders immediately. The effort to hold out the Americans was becoming organized.

The situation was painfully clear to Arrillaga. He saw that if it was to be checked something drastic must be done, and, more importantly, he saw the disastrous effects the Americans' audacity was having on Spanish control:

> Having personally witnessed in our own waters the enterprise of this Republic (U.S.), I do not wonder at their success. They flourish in trade and know its value. And who at present does not, except ourselves who pay for our neglect with our purses? . . . The American States sometimes send out ten or fifteen regular robbers, who on account of our small force, are able to disturb our peace and corrupt our honesty.[46]

Therefore the American ships that called now found the ports all down the coast closed to them. Although Shaler wrote that in his second voyage to the coast in 1804-1805, "we got plentiful supplies of provisions as usual and were not unsuccessful in our collection of furs,"[47] he accomplished this only by avoiding ports and official contact. When he did go into Todos Santos Bay for water he was refused—the corporal had a circular letter from Santa Bárbara about his presence. He had to return to poach on islands and deserted coast, then, to repair his ship. Thus while the new stricter official policy served to effectively block the ports, the New Englander was forced into even closer relationship with the civilian inhabitants. This is indicated when Shaler, in reporting this same voyage of 1804, writes:

> For several years past, the American trading ships have frequented this coast in search of furs, for which they have left in the country about 25,000 dollars annually, in specie and merchandize. The government have used all their endeavors to prevent this intercourse, but without effect, and the consequence has been a great increase of wealth and industry among the inhabitants.[48]

This seems to have been the pattern in these years of a desperate Spanish effort to maintain at least a semblance of control. Even in retrospect, however, it would be difficult to concoct a Spanish policy that could have held back the rush of American commerce.

However, a definite change took place after 1804, for many sources of furs had been cut off. Even the missions were often no longer a good source. For the guardian of the College of San Fernando had told the friars not to provoke the accusation that "some of their number were trading with foreigners."[49] But even more effective was the padres' realization that under the circumstances Indians with otter skins were caught in the cross fire of exploitation by both soldiers and traders.[50] Friars' instructions to the Indians in this matter did not change until the new economic conditions of 1810.

Therefore a new angle had to be introduced if the fur trade was to continue to prosper on the California coast, and the American roots to grow deeper. But the New Englander had not gained his reputation by meekly tipping his hat and retiring when he met obstacles. So again the ingenuity that made Boston merchants the leaders came to the fore. The new angle that was needed was initiated by Joseph O'Cain, a former pilot at San Blas, and he was followed by others. O'Cain, seeing that with the new stringent control the California fur trade could no longer be based on barter, approached the "Little Czar," Alexander Baranov, of the Russian American Fur Company. His offer was that the Russians would supply the experienced Aleutian hunters and the necessary equipment, while the Americans would be the carriers and supply the hard pressed Russian settlements. The skins thus gathered would be equally divided. The success of this new method of exploiting the California sea otter is indicated by the first entry of 1804 in the Record of Ships:

> O'Cain, (Am Vessel) 60 men, 15 canoes, 5 boats, and 16 guns, went into San Quentin for repairs and provisions, when ready was ordered off the coast, but stayed until she had killed all the otter from Rosario to Santo Domingo.[51]

The helplessness of the Spanish in the face of this new type of American effrontery is indicated when Governor Arrillaga wrote his superior official, "There is no other way to prevent them except to tell them not to hunt and to this they pay no attention."[52] That O'Cain had five cannons trained on the piles of skins on the beach, and at least forty Aleuts stationed there all the time makes this official defeatism more understandable.[53] American audacity had reached new limits.

When O'Cain arrived back at Kodiak he had eleven thousand furs to divide with the Russians as well as seven hundred he had purchased from Spanish officials and missionaries on his own.[54] The comparison of numbers tells the story. Needless to say O'Cain was back the next year with three ships and other traders soon followed suit.

Thus, through various means, the Californians came to depend increasingly upon the New Englanders through the regular trade which had developed since 1796. But the beginning of the Spanish-American Wars of Independence in 1810 made this dependence almost complete. Supply ships were entirely cut off for a while, and they were never again to resume an annual schedule. The salaries of soldiers and missionaries, dependent on the supply vessels, were also stopped. And so now the padres and officials felt the heavy responsibility of supporting themselves and supplying their people. But the American smuggler, now well established and very available, was eager to enlarge his official clientele. It was in these circumstances that illicit trade replaced San

Blas as the cornerstone of provincial economy.[55] As before, when one source of trade declined another presented itself, for this new impetus to trade now replaced the Russian contract system which was being slowly withdrawn. Once again the Yankees' luck held, the angle was there, and trade prospered. And so the Californian's dependence on the New Englander increased.

Thus we find George Washington Eayrs, a follower of O'Cain in being under contract with the Russians, so well known to the Californians over a period of years that he

> From the highest to the lowest Officiers on this Coast, has been the means of my making any Trade here, & have Intreated me to bring them things for the Cultivation, & other Articles that they were nearly in distrefs for . . . .[56]

These letters reveal the type and amount of trade that had gone on as well as the really friendly relationship that had been established:

> Friend Don Jorge: It is necessary that early in the morning a boat be landed to enable me to embark and purchase that of which I have spoken to you. So, as soon as a fire on shore is seen, dispatch the boat; since thus I must manage in order to act with safety.
>
> Fr. Pedro Maria de Zarate[57]

> Senor Comdte and Friend Don Jorge: To-day there goes to you the padre of San Fernando who was unable to go last week because of illness. Trade with him, and tomorrow (God willing) I come to your Fragata to dine, and we two will trade on our own account. I am now sending the corporal with a little vegetable stuff for you and the other two commandantes, and also some eggs, the whole is present, I wishing only the honor of serving them. There will be sent likewise the otterskins which on my coming we will examine. Also be please to receive a small pig for yourself, and another for the two commandantes,—a present. *A Dios* til to-morrow (Monday) at noon.
>
> Fr. Jose Caulas[58]

The Eayrs incident is a very revealing one, for his vessel, the *Mercury*, with all its papers was taken June 2, 1813. And in his attempt during the next two years to regain freedom, a great deal of information was divulged. It is significant that his arrest did not represent California authority, for Noé, who took him near Point Conception, sailed from Lima. This man later testified himself that he had come looking for smugglers as a privateer because he had not been able to sell his goods in Monterey—people said they could get the goods cheaper from the Americans.[59] Surely Eayrs was well enough known on the California coast for the local Spanish authorities to have taken him themselves had they wanted to. But for the most part officials by this time had been forced to favor such Americans. This is further substantiated by Eayrs' insistence concerning the past action of the commandant. This officer was obviously in a very undesirable situation, for he had an arrest forced upon him which he had not chosen to make. Eayrs wrote:

> my treatment after being landed, by one of his Most Catholic Majesty's commanders, deserves particular attention. (This very commander had not long since been the means of my visiting the Coast, in Com^{y} with the other Heads.)[60]

And again,

> The very Commandant of the place . . . did use his endeavours to get me at Monterey for the purpose of supplying the Coast.[61]

The facts seem to affirm the truth of Eayrs' representation of his own action and attitude as well as the attitude of the officials, padres, and people:

> In general all the officials resident on this coast have encouraged my trade, and at their request I have given them agricultural goods and other things that they needed. I have provided the priests with what they required for instructing the natives and for the ceremonies of religion. . . . They have paid me in return products of the soil, as the officers of this district can inform your Excellency . . . My dealings have not been clandestine, but with the full and tacit consent of the governors. Let Fray Marcos Amistoy of Santa Barbara be questioned in *verbo sacerdotis, tacto pectore*, concerning these transactions.[62]

His sincerity is further attested by Argüello's letter to Viceroy Calleja on the same situation:

> The padres are concerned in illicit trade from a grave and general necessity of clothing and other materials which they have experienced in the past, and experience more and more from day to day in jurisdiction of this government. A rule of canonical law says: *Hace licito la necesidad lo quo no es licito por la ley.*[63]

And so the New Englander—although often arrested, jailed, and even killed in conflict—had won. For through dint of perserverance in a profitable business, one they felt was legitimate, they had forced the Spanish officials, caught in the trap of needing what they had, to accept them and make more and more prolonged winks at the dictates of

Madrid. Spanish control was on the wane, and Americans were economically established.

Although other attempts of control were made, they were consistently fruitless, especially because of the recurring outbreaks of the Spanish-American War of Independence. Governor Pablo Vicente de Solá's fervor for enforcement in the first part of his administration was reflected by over-populated Spanish jails, which had never before and never would again be so full of Americans. Yet before long a more realistic assessment of the situation is reflected in his answer to José de la Guerra, commandant of Santa Bárbara, who had been begging for clothing for his men. "Supply yourself with all you need from the *Atala* (U.S. vessel) but in a public way, so that it is not thought that it is being done in bad faith."[64]

But perhaps the most conclusive and revealing case of all in this late period of sea otter smugglers was that of Captain Eliab Grimes who kept a very complete log of his voyage in 1821. The cocksureness of the American on the California coast by this time is indicated by Grimes's boldness in sailing right into San Francisco Bay. And evidently he had little to fear, for not only did Luis Antonio Argüello come on board and receive a royal salute, but later sent a bullock, came with his officers for tea, and brought his family and some padres for a visit. Although there is no record of Argüello trading, there is little reason to believe he did not know Grimes's business nor that he would watch his activity too closely.

That Solá was conscientiously aware of Grimes, however, is evidenced by his circular letter. A Spanish war vessel on the coast at that point probably made Solá as nervous as it did Grimes. At any rate, a few days after Solá wrote the letter, Grimes was being entertained by de la Guerra, the commandant of Santa Bárbara, and "after dinner . . . [he] sent for the invoices and some samples of goods and sold him to a considerable amount."[65] Once business was done with the commandant the way was opened for others, and so now padres and laymen alike came on. Grimes wrote:

> It would be advisable at this place to always deal with the Comdt. in the first instance as in that case he will lay no obstacle in the way of trading with others although he requires a duty of 12½ p Cent on all goods not sold to himself. These are free.[66]

After this he traded all along the coast with officials and priests as well as lay civilians. And out of all of them the only one to obey Solá's orders was José María Estudillo. When he knew Grimes had been at other ports and therefore did not need supplies when he came to San Diego, Estudillo asked him to leave.

This, then, is the explanation of why in the last five years of Spanish rule, when the official theory of economic control had become nothing but theory, the Spanish records contain only hints of American traders' presence, while New England records show a great number were still coming. For of the whole time of Grimes on the coast, from August to October, when he had stopped at all the major ports and many of the minor ones, there are only two mentions of his presence in Spanish records. A simple acknowledgement of a port call of the *Sigloe* by de la Guerra, and the one full report of Estudillo, the only man out of all the officials with whom Grimes had come in contact who could afford to make a full official report. To this point had official theory declined in practice—and Americans became established on the California coast.

Thus by focusing a periscope on a stretch of western coast at the opening of the nineteenth century, and watching the activity of the Boston men, and local reaction to that activity, it is possible to see that the area was even then in the early throes of changing hands, and to gain an insight into the economic basis of political control. To the end New Englanders' lucrative activity was enhanced by both international and local conditions. Although the Spanish met the waves of American assault with recurrent efforts of defense, they were fighting the inevitable. For the vulnerability of the West Coast could not stand the intensity of the Yankee who was driven by necessity to establish his commerce in the Pacific.

With the coming of Mexican independence the Spanish mercantilistic policy was overthrown and a new liberal commercial system adopted. A new era had begun—it was definitely the end of the opening American impact on the California coast. The sea otter, now extinct, was replaced by hides and tallow as an item of trade, the overland routes were opening— and it was these new groups of Americans who would now build the American West on the foundation laid by the sea otter traders of Boston.

NOTES

1. Robert Glass Cleland, *A History of California: The American Period*, p. 2.

2. William Sturgis, to be one of the best known and most successful of the New England traders, explained the otter's value when, in a lecture in Boston, he said: "The sea otter skins have ever been held in high estimation by the Chinese and Russians as an ornamental fur; but its great scarcity and consequent cost, limit its wear to the wealthy and higher classes only." Quoted by Robert Glass Cleland, *From Wilderness to Empire*. p. 55.

3. Robert Greenhow, *The History of Oregon and California and the Other Territories on the North-West Coast of North America from Their Discovery to the Present Day*, p. 160. Hereinafter referred to as *History of Oregon and California.* The Americans had direct information of the find before the publication of the journals from John Ledyard, an American on Cook's crew, who in trying to interest American financiers publicized the possibilities. The Russians had also found out about the otter's value through British ships in Petropawlowsk and Unalaska. *Ibid.*, pp. 161-63. The Spanish knew even earlier through British deserters in their attack on the Philippines in 1779. Adele Ogden, *California Sea Otter Trade, 1784-1848*, p. 3.

4. Samuel Eliot Morison, *The Maritime History of Massachusetts*, p. 46.

5. Dublin *Chronicle*, January 12, 1792, quoted by Oscar Handlin, *Boston's Immigrants 1790-1865*, p. 69.

6. Roland D. Hussey, "Antecedents of the Spanish Monopolistic Overseas Trading Companies (1624-1728)," in *The Hispanic American Historical Review*, IX (February, 1929), 4-5.

7. William Shaler, who was on the coast from 1802-1805, wrote that "An expedition by sea to Upper California . . . the bad weather they must encounter in winter, and the great length of the passage in summer, on account of the prevailing north-west winds, would render it a very precarious undertaking." William Shaler, *Journal of a Voyage Between China and the Northwestern Coast of American Made in 1804 by William Shaler*, p. 78.

8. Crespi to Palóu, San Diego, May 21, 1772, quoted by Irving Berdine Richman, *California Under Spain and Mexico 1535-1847*, p. 186.

9. A series of attempts to establish a Spanish fur trade began as early as 1774. The most significant was that of Vicente Basadre y Vega in 1784, who although successful in gaining royal permission, finally realized that effort against the Philippines Company was futile. Greenhow, *op. cit.*, pp. 160-183. Also see Ogden, *The California Sea Otter Trade, 1784-1848*, pp. 2-50. Also, Millard F. Hudson, "The Battle of San Diego," in *The Historical Society of Southern California Publications*, VII (1907), 104.

10. Quoted by Richman, *op. cit.*, p. 449.

11. Roy F. Nichols, *Advance Agents of American Destiny*, p. 39. See also Richman, *op. cit.*, p. 187; and Harry Bernstein, *Origins of Inter-American Interest (1700-1812)*, p. 39.

12. By 1801 out of sixteen ships on "The Coast" all but two were Bostonian. Morison, *op. cit.*, p. 53.

13. *Ibid.*

14. See William S. Manning, "The Nootka Sound Controversy," in *American Historical Association: Annual Report for 1904* (Washington, 1905). Article IV of the Nootka Treaty is significant. "His Britannic Majesty engages . . . to prevent the navigation . . . of his subjects in the Pacific ocean as in the South Seas from being made a pretext for illicit trade with the Spanish settlements; and . . . British subjects shall not navigate within . . . ten sea leagues from any part of the coast already occupied by Spain." Greenhow, *op. cit.*, p. 476. The Spanish backing down on this matter shows the first significant decline of Spanish control on the coast. Chapman, *A History of California: The Spanish Period*, p. 345.

15. *London Quarterly Review*, October, 1816, quoted in Robert Glass Cleland, *The Early Sentiment For the Annexation of California, An Account of the Growth of American Interest in California from 1835 to 1846*, p. 4.

16. Greenhow, *op. cit.*, p. 181.

17. From narrative of John Meares, September 17, 1788, quoted in *ibid.*

18. Pedro Fages to Josef Argüello, May 13, 1789, Robert Glass Cleland, *The Early Sentiment For the Annexation of California: An Account of the Growth of American Interest from 1835 to 1846*, p. 3. See also Chapman, *Colonial Hispanic America*, p. 403. Although this statement is an obvious exaggeration, in Washington's administration the State Department protested at Spain's custom of calling the Pacific a closed sea. Spain, however, refused to concede Pickering's contention.Nichols, *op. cit.*, p. 56.

19. *Ibid.*

20. Richard J. Cleveland, *Cleveland's Voyages and Commercial Enterprises of the Sons of New England*, pp. 9-10.

21. This refers to the period of 1802. *Ibid.*, p. 179.

22. G. H. von Langsdorff, *Langsdorff's Narritive of the Rezanov Voyage to Nueva California in 1806*, p. 94.

23. Charles F. Lummis (tr.), "Regulations and Instructions for California—Felipe de Neve," in the *Annual Publications, Historical Society of Southern California*, XV (1931), 161.

24. See note 18.

25. Shaler, *op. cit.*, pp. 77-78.

26. William Heath Davis, *Seventy-five Years in California*, Appendix B, "Record of Ships Arriving From 1774 to 1847," p. 399. Hereinafter referred to as "Record of Ships."

27. *Ibid.*

28. *Ibid.*

29. Letter of instruction from James and Thomas H. Perkins and Company to James Rowan, captain in *Elisa*, August, 1798, quoted in Ogden, *op. cit.*, p. 34.

30. *Ibid.*, p. 35.

31. "Record of Ships," p. 399.

32. Cleland, *From Wilderness to Empire*, p. 56.

33. Chapman, *Colonial Hispanic America*, p. 403.

34. Ogden, *op. cit.*, p. 36.

35. Onafre Villaoa to Arrillaga, San Diego, March 12, 1803, *ibid.*

36. *Ibid.*, p. 39.

37. Cleveland, *op. cit.*, pp. 163-175. See also Nichols, *op. cit.*, pp. 55-70.

38. Lowry to John Graham, November 30, 1816, William R. Manning, *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations*, p. 1170.

39. Cleveland, *op. cit.*, p. 171.

40. *Ibid.*

41. Count de Roussillon was a Polish nobleman Shaler and Cleveland had met in Hamburg where they had purchased the *Lelia Bryd.* He had been an aide-de-camp to Thaddeus Kosciusko. Robert Glass Cleland, *Pathfinders*, p. 218. Also, Nichols, *op. cit.*, p. 58.

42. Cleveland, *op. cit.*, p. 185.

43. *Ibid.*

44. Cleveland, *Ibid.*, p. 196.

45. *Ibid.*, pp. 197-198. See also Hudson, "The Battle of San Diego," pp. 103-118.

46. Richman, *op. cit.*, p. 202.

47. Shaler, *op. cit.*, p. 47.

48. *Ibid.*, p. 59.

49. Richman, *op. cit.*, p. 460.

50. Ogden, *op. cit.*, pp. 42-43.

51. "Record of Ships," p. 399.

52. Quoted by Ogden, *op. cit.*, p. 47.

53. See Langsdorff, *op. cit.*, pp. 88-89.

54. Ogden, *op. cit.*, p. 47.

55. Chapman, *Colonial Hispanic America*, pp. 438-439.

56. *Mercury Case Documents*, Quad., 15, 7.

57. Richman, *op. cit.*, p. 204.

58. Pr Josef Caulas to Don Jorge. Rosario, April 19, 1812, *Mercury Case Documents*, Quad. 11, 3.

59. Ogden, *op. cit.*, p. 68.

60. George W. Earys to His Excellency the Commander in Chief at Guadalaxara. San Diego, July 26, 1814, *Mercury Case Documents*, Quad. 10, 55.

61. Eayrs to Lamb, San Diego, March 9, 1814, *Mercury Case Documents*, Quad. 14, 12.

62. Quoted by Richman, *op. cit.* pp. 206-7. The difference in tone is accounted for by the fact this letter was composed for Eayrs.

63. Luis Antonio Argüello to Viceroy Calleja, November 12, 1819, *ibid.*, p. 207.

64. Solá to José de la Guerra, Monterey, December 3, 1816, quoted in Ogden, *op. cit.*, p. 75.

65. September 7, 1821, *ibid.*, p. 81. See also, "Record of Ships," p. 400.

66. Ogden, *op cit.*, p. 71.

Pre-Henry George Land Warfare in California

By Paul W. Gates

The rush of more than three hundred thousand people to California between 1848 and 1860 occasioned seemingly endless boundary disputes and strife over land titles that kept California in a more or less constant uproar for decades. Outstanding was the bitter warfare over land claims which colored much of the early history of the state and provided the background against which one of America's most influential reformers and economic theorist was to construct his ideas.

A keen observer and indeed participant in the California scene wrote in 1862 of this confusion over land titles:

> California has been retarded more than thirty years . . . by reason of unsettled titles and fraudulent grants of land—creating a thousand difficulties that have proved a barrier to settlers in making homes for themselves and families. Delay in fixing boundaries, frauds and wrongs perpetrated not only against the settler but against the United States, have been on a stupendous scale and operated to the discouragement of improvements. At a moderate calculation more than twenty thousand homes have been injuriously affected by these causes, and the loss in value to settlers and the state has been immense.[1]

Grateful acknowledgement is made to the Huntington Library for a summer grant that made possible the preparation of this article. It follows in fairly logical sequence two previous articles: "Adjudication of Spanish-Mexican Land Claims in California, *The Huntington Library Quarterly*, XXI (May, 1958), 213-236 and "California's Embattled Settlers," *California Historical Society Quarterly*, XLI (June, 1962), 99-130. I must also acknowledge the aid provided by the studies of two indefatigable writers on California lands, Dr. J. N. Bowman and W. W. Robinson. The manuscript "California Private Land Grant Cases Index to Minute and Decree Books" by Dr. Bowman has been invaluable. W. W. Robinson's *Land in California* and his many briefer studies of ranchos becoming cities are all delightful reading and most useful to the student of California History.

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Thus spoke Colonel L. L. F. Warren, influential editor of the *California Farmer* on April 10, 1862.

The prototype of this land warfare was the antirent wars of New York in the eighteenth and early nineteenth centuries when hundreds of tenants, disguised as Indians, resisted sheriff's forces who were attempting to eject them for failure to pay their rents. Later in Kansas, when corrupt officials in the office of Indian affairs sold reservations crowded with squatters to land companies and railroads, the settlers organized to resist efforts to compel them to pay for their farms. In Iowa settlers, who had gained title under pre-emption and homestead laws and had created successful operating farms on land subsequently claimed by a river improvement company and who were ruthlessly dispossessed by court action, joined together to recover their land or, failing in that, to gain compensation for their improvements.[2] Antirentism or agrarian warfare occurred at every stage of the development of the frontier but while there are similarities there are also marked contrasts.

What makes the California story unique is that it involved Spanish and Mexican land law, interpreted in United States courts by American lawyers and judges who were not altogether familiar with it and who remolded it by the application of federal and state laws. In the process of Americanizing Spanish and Mexican land law, the rigidities of Anglo-Saxon common law with its deep respect for property rights untempered by equity clashed with frontier conceptions of settlers' rights based on natural law.

Basic to the troubles in California were the 813 Mexican land grants of which 87 had been signed only a few days or weeks before the Mexican War ended Mexican control. Some of them were forged or antedated. Although they had been given for grazing ranchos, the grants included most of the best land suitable for agriculture, and few of these lands had been developed to any extent. As for other territories transferred from foreign ownership, Congress established a Land Commission to consider and confirm, where justified, the titles to these grants, but thereafter it paid little attention to the commission. Whether appointed by President Fillmore or reconstituted by Pierce, in 1853, the commission was filled with lame duck politicians and political hangers-on who had no great learning and who were ignorant of the Spanish language—the language of the original documents. Beset by political changes, displacements, resignations, illness and absenteeism, and by low salaries, the commission was not an efficient body. It was reversed 280 times out of less than 800 cases, and yet it showed a greater inclination to examine the claims critically than did the United States District Court and the Supreme Court. Ogden Hoffman, federal district judge, before whom most of the commission's decisions came on appeal, doubtless had a better legal mind, a more judicial temperament, a greater respect for law than the commissioners; but he seems also to have had a greater respect for written documents, for verbal testimony of officials of the Mexican regime than the facts warranted, and he confirmed claims which the Supreme Court later concluded should be rejected. The Supreme Court, however, generally followed the Hoffman line rather than that of the commission, particularly during the first few years.

Few Mexican titles had been carried to the equivalent of the American patent, and the courts came to accept something less as title, but they never made completely clear what proportion of the intricate Mexican process of confirming grants would be sufficient. Once the title to a claim was confirmed, the next step was to have the land surveyed by a government surveyor. None of the larger claims had been bounded with any exactitude in the grants; some were quite indefinite, merely being defined as so many leagues in a very broad area. Some were mere floating grants. When, therefore, the Surveyor General began the survey of confirmed claims he had much latitude in running the lines. Since all land outside the claims was public domain, and after 1853 subject to pre-emption, settlers, knowing that the claims included most of the best agricultural lands, tried to locate close to them. Some settlers clearly misjudged the boundaries or took the risk of locating their improvements so close that, by minor adjustments when the Mexican grant was surveyed, they were included within it. Still others, assuming that the large claims, which were as much as 133,000 acres and but slightly if at all developed, were bound to be rejected, established their improvements wholly within the boundaries which might be expected to be established should the titles be confirmed.[3]

It was these improvements on the periphery of the claims that attracted the greed of owners of ranchos who tried to extend their boundaries to include them. Over and over again the charge was made that the owners were influencing the surveyors acting for the federal government to disregard the terms of the original grants and to extend the surveys over the best of the improved land on their periphery. One settler-oriented newspaper charged the Surveyor General of California with being the mere "locating agent of these Greaser Lords and thieving Land Grabbers."

> It is well known that the deputy surveyors are closely attended by the owners and claimants of Mexican ranches whilst the survey is being prosecuted—that the lines are invariably run in accordance with the wishes of claimants, and that it is only necessary to espy a new fence or a good house to change the course and take it in. In fact, we know one man, a deputy surveyor who went so far in his disinterested enthusiasm to claimants of a large rancho near Marysville as to find a river and so mark it in his notes that no one else has ever been able to discover . . .

The writer held that the power resting in the hands of the surveyors should be curbed or bloodshed would follow. It was even charged that one of the most respected owners of ranches had paid several thousand dollars for a favorable survey of his Sacramento Valley rancho.[4]

On the Mariposa grant of John C. Frémont major discontent developed. Here the boundaries were changed to push the claim well into the mountains where gold was being mined. The action of the Land Commission in approving the grant in the first place had not been well received in California, for there were many lawyers who felt Frémont's claim was without merit. Judge Hoffman, before whom Mariposa next came for adjudication, could find no reason to confirm a claim that had so completely failed to meet the requirements of Mexican law; he was convinced that all American precedents made its rejection unavoidable. When, however, the case was presented on appeal to the Supreme Court by a combination of politically potent legal talent, headed by Thomas Hart Benton, and was weakly defended by the government, the court wavered. In a split decision, with two judges dissenting and a third absenting himself but later saying that he agreed with the dissent, the Supreme Court confirmed the grant.

Mariposa was a floating grant which permitted the location of a rancho within certain broadly defined areas. Since it was intended for grazing cattle, it should have been located on the largest possible amount of grass land at low elevations. Instead, when gold was discovered in the foothills of the Sierra and miners began to work rich placer and quartz deposits, Frémont moved the boundaries of the claim around to include "the valuable Pine Tree and Posephone mines ... besides a number of others which had been in the undisputed possession of miners who had long been familiar with Frémont and had never heard the least intimation from him that he would ... lay claim to their works." Elevations higher than 5,000 feet were now included. The work of miners and mining companies expended over months and years was thus swallowed up in Frémont's claim. Colonel Samuel W. Inge, former federal district attorney, said it was monstrous to pretend that Frémont could locate his claim upon the possessions and improvements of others without compensation to them, particularly when their improvements had been made with the express approval of the California legislature and after repeated decisions of the courts.[5]

When Frémont invoked the law to eject companies with long standing investments within the area he claimed, he stirred up a hornet's nest. Miners and mining companies resisted posses and kept the area in turmoil for months. Encouraged by a decision of the California supreme court questioning ownership of minerals, a former-sheriff of Mariposa County declared that he would use all his energies to prevent the government from wrenching by force the improvements made in good faith by miners. For years residents of the Mariposa area had abundant cause to regret the decision of the United States Supreme Court in confirming the Frémont claim and later decisions confirming the mineral rights to Frémont, not only because they plunged the county into turmoil and restricted mining activity, but also because Frémont's assignees long attempted to avoid the payment of taxes.[6]

The overwhelming precedent the Supreme Court established in the Mariposa case is seen in the record of the four-to five-league Bolsa de Tomales claim of James D. Galbreath in Marin County. The claim was confirmed by the commission and by Hoffman, notwithstanding the alteration of dates in the original grant, the forged certificates of approval, and the knowledge that the signature of Governor Pico was either forged or written long after the supposed date of the grant, and that possession was not in accordance with Mexican law. The Supreme Court gagged at the clear evidence of fraud and sent the case back to the district court for further consideration. Again, Hoffman confirmed the claim; for the Mariposa decision with its loose interpretation of Mexican land law stood out in his mind like a great landmark and until it was modified or reversed he insisted on abiding by it. On the second appearance before the Supreme Court it was flatly rejected.[7]

After the first reversal by the Supreme Court of Hoffman's decision in the Bolsa de Tomales case, Hoffman was said to have remarked that "he did not understand the decision of the Supreme Court; that they confirmed and rejected claims in which he could see no material distinction; that it was his opinion, or rather that the only reasonable construction that he could put upon their conduct, was that they had not time to read their previous decisions." Hoffman is quoted as adding that if the members of the Supreme Court "adhered to the decision in the Fremont case, they must confirm such cases" as the Bolsa de Tomales grant. On the other hand, if they clung to their more careful decisions of later years "they should not confirm any claim when the parties had nothing to show but a piece of paper."[7a]

On the W.E.P. Hartnell Consumnes claim in Sacramento County, originally of eleven leagues but subsequently reduced to six, there was much friction. The uncertain title, the vague boundaries, and the unsatisfactory character of the original survey enabled Hartnell and his assignees to maintain for years a shadowy claim over territory three times the acreage called for and to keep that amount of land out of the public domain and not subject to pre-emption. With ownership at first uncertain and conflicts with settlers continuing long after confirmation, improvements were poor.[8]

Settlers suffered greater hardships on Los Moquelemos, a 48,000 acre grant of Andrés Pico in San Joaquin County. This claim was rejected by the Land Commission in 1852 because of the complete absence of record in the archives, clear evidence of fraud and perjury, and failure of the grantee to develop it. Notwithstanding, on appeal, it was confirmed by Judge Hoffman. The government side had been poorly presented by its legal agent, as was commonly the case in land disputes in California in the early years of adjudication, and Hoffman was again influenced by the Mariposa decision in which the Supreme Court had refused to consider the failure to perform conditions in the grant as fatal to the claim. Hoffman's confirmation of Pico's title was a blow to many settlers who had moved on Moquelemos, expecting the commission to be upheld and, at the same time, encouraged by the action of federal land officials who surveyed the grant, declared it open to sale and settlement, accepted applications, and granted patents. Unfortunately for the settlers, the California Supreme Court had declared that when a claim with a specific amount of land was confirmed by a court of the United States, the owner was entitled to possession and the right to eject and distrain settlers. Even though they had bought the land from the government, settlers now, it appeared, had to come to terms with Pico or be ejected and have their personal property seized for back rent. The more timid of them did buy their tracts from Pico, an action which was strongly deplored by others. On appeal to the Supreme Court the case was returned to a lower court for further evidence, though the presiding judge thought it "wholly destitute of merit." After further consideration the district court rejected the claim, and the Supreme Court affirmed its decision in December, 1864.[9] Mariposa was losing its earlier great weight.

Settlers' rights on Moquelemos, whether based on federal patents or pre-emption or homestead claims on their way to patent, were still uncertain, however, for the Western Pacific Railroad now claimed the alternate sections as part of its land grant. The railroad argued that the Pico claim was never valid and therefore the land grant act of 1862 applied to this land. Officials of the General Land Office accepted this argument and awarded the alternate sections to the railroad, even though settlers may have been on the land prior to 1862. Ultimately, the Supreme Court reversed the land officials and enabled the settlers to get title to their claims but only after they had become involved in long and expensive litigation.[10]

Settlers in San Joaquin and Sacramento counties were much disturbed at the existence of the eight league Zanjón de los Moquelumnes claim of Anastasio Chabolla because as a floating grant its boundaries could be pushed in any direction within a broadly defined area. Rejection of the claim by the Land Commission in January, 1854, because it had neither been approved by the Departmental Assembly of Mexico nor had juridical possession been given, encouraged settlers to move on it. However, when the case came on appeal to the district court twenty months later and was presented weakly by the government legal officer, Hoffman reversed the commission on the basis of the Mariposa precedent and confirmed the claim to 35,510 acres, to the great distress of the settlers. Controversies over boundaries delayed the patent until 1865.[11]

There were three other Chabolla claims in the vicinity of San Jose, one of which was confirmed and patented but the other two were more dubious and were rejected. One was not finally dropped from litigation until late in 1861. Complicating the land problems in the vicinity of San Jose was the pueblo grant which was not finally patented until 1884. This land, amounting to 55,000 acres, was mortgaged by the city, the mortgage was foreclosed, and the mortgagee sold 500 acre tracts part of which were claimed by the Chabolla estate. Neither the pueblo claim nor the Chabolla claim had yet been settled by the courts when settlers, believing that both claims would be rejected and that the land would become public domain, moved on the land, made substantial improvements, and thought of themselves as established residents with major equities. Matters came to a head in 1859-1861 when attorneys for the Chabolla family and for a number of the 500 acre claimants under the pueblo claim sued out writs of restitution against settlers, numbering 150. When threats of ejectment were made and sheriff's posses were used to remove occupants, some of whom had bought titles from one or the other of the claimants, the settlers flared up in mighty indignation. After preliminary skirmishing, in which the law did not come off well, the sheriff attempted to swear in two hundred deputies to aid him in accomplishing his objective. The posse was met by an armed band of five hundred to one-thousand persons determined to fight if necessary to protect their homes.[12] That the issues involved in the fracas differed from other settler-claimant controversies is shown by the following statement of one of the leaders of the Chabolla settlers:

> We are banded together for the sole purpose of holding our homes until land thieves decide who has the title. We are not particular who gets it, so that when it is finally settled we can purchase without fear of being troubled with another claimant.

The writer stated that the settlers would not permit the forces of law to carry out the ejectment writs no matter what the penalties, for there could be no peace in the region until the ownership was determined. Settlers were caught between rival claimants, one of whom was shortly to lose finally his two league claim.[13]

Settler revolt against the law aroused sympathy elsewhere and attracted more attention to the beleaguered folk on the Chabolla rancho and other disputed areas of Santa Clara County than any other squatter activity had done. A dispatch in the Sacramento *Union* said that a thousand settlers in Sonoma County, itself beset with much bickering over claims, were prepared to march to San Jose to aid their fellow sufferers.[14] Papers in Napa, Sacramento, Alameda, and San Francisco took up the issue and slanted their news in accordance with their attitude toward the long series of controversies over titles that so wracked California politics.

When Governor John G. Downey declared to the settlers that the law must be upheld and asked the legislature for a large appropriation to put down the revolt, he was answered by a ringing Squatter Declaration of Rights which summarized settler grievances throughout the state. Among these grievances were the following:

1. Fraudulent grants based on forgery and perjury.
2. Floating grants located on land not intended to be selected.
3. Control of the government of the state and the courts by land claimants.
4. Extension of the grants to include areas far greater than was contemplated by the Mexican officials.
5. Assessment of heavy damages against settlers in restraint suits.
6. Loss to the settlers of taxes paid by them on land finally adjudged to others.
7. Retarding effect of large, undeveloped claims on communities.
8. Discouraging effect on immigration of land monopolization by claimants.

The settlers resolved that they would never surrender their tracts, even though the courts decided in favor of the Mexican grantees, until they were compensated for their improvements.[15]

The governor's inflammatory request was met in the legislature by cooler action. It would take ten thousand troops to put down the squatters, it was said; better it would be to send a joint committee of the two houses to work out a satisfactory compromise between the angry settlers and the equally insistent owners.[16] The joint committee proceeded to San Jose where it met with representatives of the settlers and of the claimants and secured an agreement that all ejectment suits brought by the Chabolla heirs should be withdrawn, that a suit to quiet title should be instituted, and that the question of rights be left to the Supreme Court to determine.[17] The action of the United States District Court in rejecting a two-league grant in August, 1861, relieved tension for a moment, but Congress undid all this by a special act to allow the claimant to La Posa de San Juan Bautista to submit his case to the court for further consideration. After two more rejections, making four in all, this claim went into limbo.[18] The dismissal of one of the Chabolla claims and the decision of the state supreme court in 1864, invalidating the mortgaging and foreclosure of the San Jose Pueblo lands, and in turn the 500 acre sales by the mortgagees which had conflicted with the Chabolla lands, and the final survey and patenting of the pueblo in 1884, brought issues to a conclusion. It was of course not possible for settlers to secure reimbursement for improvements they had put on land purchased from the five-hundred acre-holders, but which were found to be within the Chabolla Yerba Buena grant.[19]

Meantime, squatter controversies were breaking out in all the counties in the Bay Area, with the owners of the claims securing numerous writs of restitution and settlers vowing to resist the proceedings at all cost. Settlers' meetings were revived, resolutions threatening political activity were adopted, and resort was had to night riding, arson, and murder. A citizen wrote to the pro-settler Sacramento *Bee* on February 12, 1862:

> If there were only ten thousand California squatters in Virginia they would drive Beuregard [*sic*] and all his hosts from Manassas. They would squat upon the best land . . . law the proprietors ten years and keep them out of pos-

> session, and at the expiration of that period they would fight the owners and drive them out of the country.

The Civil War would soon be over, he said, if we sent the squatters to the South.

Claim owners found another powerful weapon to turn against the settlers. Leaders of the settlers leaned strongly toward the liberal faction of the Democratic Party, but many old line Democrats were friendly to the South's efforts to establish its independence. It was easy therefore to accuse the settlers of being Secessionists, the more so because one of their ablest leaders, John R. Price, was both a Virginian and a brother of the much hated Confederate general, Sterling Price. Furthermore, David S. Terry, who had been sympathetic to the settlers' cause, was regarded as a leader of the disunionist element in California and was later to serve in the Confederate Army. Being on the defensive because of these attacks, the settlers in their convention in San Francisco in 1861 declared strongly for the Union and advocated support for Edward Norton for the United States Supreme Court but decided it was wiser not to nominate candidates for other positions.[20]

The valley of the Russian River, like that of the Salinas farther south, was lined with Mexican claims which produced such bickering and conflict that a contemporary said: "This state of things has the effect to paralyze every effort at improvement, beyond what is actually required for the immediate positive necessities of the occupant. Thus we find many wealthy men along Russian River, with no further improvements than a surrounding fence of redwood rails, and a mere shanty of boards to live in."[21] Two claims of Stephen Smith won early confirmation, and patents were issued in 1858 and 1859. Smith was said to be gentle in his relations with settlers and had little or no difficulty with them, but his widow's second husband Curtis took a different tack. Having failed to induce families on the ranchos to pay rent he began ejectment proceedings and hired a private army of forty-eight men from San Francisco to accomplish what the sheriff's force was reluctant to do. Thus he brought upon himself general condemnation of the community and failure of his objective.

Complicating the Bodega claim, now patented, were the rights of purchasers of portions of the 1,241,000 acre-claim which John Sutter had bought from the Russians. Sutter did not bring his claim before the courts, but his assignees surveyed part of it—land that was included in the Bodega rancho—and offered title to the fifty or more settlers against whom the owners of Bodega were bringing ejectment actions. Since such offers to sell the Sutter or Russian title promised to aggravate an already dangerous situation, legal action was taken to prevent the Sutter parties from selling or even advertising for sale their title.[22] Compromises were finally worked out by which Curtis, owner of Bodega, agreed to sell, where previously he had tried to rent, to the settlers at moderate prices. Local historians maintain that settlers held to their position sufficiently firmly to win major concessions and to leave the owner little for his pains. The second of Smith's ranchos, Blucher, became involved in litigation among heirs, and settlers could not determine who were owners. It was finally necessary for owners and settlers to go to court to have the tract divided and clear titles established. In this way 128 settlers finally gained the security that fee titles assured.[23]

Elsewhere in the Bay Area the story was the same: extensive settler improvements on the undeveloped portions of the Mexican claims or in their vicinity induced the owners to try to change their boundaries so as to include the most valuable of the improvements; ejectment actions to compel the settlers to move or to purchase their land; violent reaction from the settlers when the law seemed to them to be slanted against them that manifested itself in resistance and destruction of the property of both claimants and owners; and finally compromise, since litigation threatened to eat up the value of the land to the owners and to keep the settlers in poverty.

The Act of 1851, which had created the Land Commission, provided an opportunity for a review of disputed boundaries when confirmed claims were surveyed, but the process of review was not clearly defined and did not lend itself to use by settlers and other opponents having meager resources. This was brought out by a settler on El Pescadero, a claim of Hiram Grimes in Stanislaus and San Joaquin counties. Having been told the boundaries of the grant by one of the owners, settlers took up land six miles from the boundary. The grant was later sold, and the buyer persuaded the Surveyor General to make a new survey to include the improvements of numerous settlers. Protests that the settlers had been "illegally and unceremoniously immersed in a Mexican fraud" were made without result. In 1858 a patent for the land with its new survey was rushed through the procedures of the General Land Office, emerging as the fifteenth or sixteenth among the more than six hundred.[24]

Two other claims, floated from their original boundaries to include settlers' improvements, one of which was swiftly patented, were the Sotoyome and Llano de Santa Rosa ranchos in Sonoma County. The Sotoyome claim was early docketed with the Land Commission and speedily confirmed by it and by Ogden Hoffman. After the survey had been made and the patent for 48,836 acres issued, settlers five miles distant from the bounds of the original grant learned that this "inhuman swindle" had been stretched to include their tracts. Similarly, on the Santa Rosa rancho of 13,316 acres, numerous settlers found their improvements included within the surveyed lines. On few Mexican land claims were so threatening or so destructive clashes made between sheriff's forces supported by state troops attempting to eject settlers and organized bands of residents trying to defend their homes. Ejectment and burning of the poorer homes did not always suffice: on both sides arson and murder kept the region around Santa Rosa and Healdsburg in bitter turmoil for years. A representative of the settlers declared that they had been "unmercifully harassed . . . [and] driven to the verge of revolution" by claimants using forces of the law to extend their "fraudulent survey" beyond the original boundaries of the grants.[25]

Influential claim owners and their attorneys, witnessing the growing strength of the squatter movement in politics, pushed their claims as speedily as possible in the courts. William Carey Jones in particular sensed the advantage of haste in pressing for confirmation and patenting. The Mariposa, Pulgas, and Putos claims which were represented by Jones were the second, third, and sixth to be confirmed and the first, sixth and twenty-ninth to be patented.[26] They established broad but questionable precedents that held sway for a time.

Jones secured boundaries for the claimants which did major injustice to neighboring claimants and their purchasers and to settlers and miners who lost the value of their improvements.[27]

Increasing discontent with the decisions of the Land Commission and of Hoffman resulted in the adoption of resolutions in 1856 by the California legislature calling upon Congress to prevent the location of floating grants on occupied land and to deny United States surveyors discretion in locating grants and urging the appointment of a competent person to have charge of the government defense in land cases before the United States District Court. The joint committee making the recommendations declared that simulated and fraudulent claims "stand about the same chance of confirmation as those made in good faith as the simulated character of the papers are very difficult of proof." Hundreds of leagues of the best land on which settlers were living and had made valuable improvements were thus claimed and would doubtless be confirmed by the courts unless "efficient action on the part of Government" be taken. Improvement followed the appointment of abler men to represent the government, but the discretion allowed the surveyors and the difficulty of appealing from their surveys remained.[28]

So many were the complaints about the surveying of the claims that action was finally taken in 1860 to give adverse interests of whatever character an opportunity to challenge the surveys in the district court in San Francisco, not in Washington before the General Land Office as the previous legislation had permitted. This was accomplished by an act of June 14, which, though drafted by Judge Hoffman who was to be a major beneficiary of it through a large retroactive salary increase, violated principles of good legislative practice. The retroactive salary increase to California judges, one of which drafted the measure, so offended the sensibilities of some high-minded members of Congress and so absorbed their attention that features of the bill which were seriously to affect land titles in California were given little consideration in either house. The Hoffman Act, as it was called, was designed to prevent major distortions in boundaries, such as had occurred in Mariposa, by requiring that the final survey be compact and that it conform to the intentions of the original grant. It provided that after survey of confirmed claims, public notice should be given of the results to permit settlers, adjacent claimants, or other interested parties to contest the survey before the United States District Court. The district judge was to inquire into the facts and to allow interested parties to give testimony, and the federal district attorney was to represent the contestants, thereby relieving settlers of costs. The court could set aside the survey after a trial and order a new one to conform to its decree. A further right of appeal from the revised survey was allowed. For the first time, settlers could feel a sense of security from questionable and seemingly unfair surveys, and knew that a government attorney was to act as counsel for them. The Act of 1860 had long been needed, although the power the measure placed in the judge's hands was a dangerous one, some thought.[29]

Two actions followed fairly promptly the adoption of the Hoffman Act. All surveys of claims in the Northern District, including those already returned to the General Land Office but for which patents had not yet been issued, were to be advertised to permit interested parties to know them. This had the effect of suspending the further issuance of patents until the surveys were reported by the Surveyor General to be free from objection.[30] The other, and expected result, was a rash of appeals to the district court from settlers and neighboring claim owners asking for reconsideration of surveys previously approved. Numerous surveys were set aside and orders were issued for new surveys to be made with greater regard to the conditions and bounds of the grants.[31] Two of Thomas O. Larkin's ranchos, for example, were ordered resurveyed. The resurvey of Larkin's Boga ranch brought no happiness to settlers, for Hoffman ruled that land which Larkin had already conceded was *not* part of his ranch and, that although it had been occupied by settlers hopeful of acquiring pre-emption rights, it *was* to be included within the patent. Captious critics might maintain that the judge went out of his way to include the settler's improvements.[32]

On the Putos claim of Vaca and Peña in Solano County which William Carey Jones had carried through to speedy confirmation and patent on the basis of the Frémont decision, though Justice Daniels dissented, violence followed violence. A major difficulty was that in an area estimated at four hundred thousand acres the claimants were authorized to select ten square leagues. Settlers, thinking that no government would permit a claimant to control ten times the amount of land his grant allowed, had moved into the area and made their improvements, naturally selecting the more desirable land, but well before the claimants had determined their boundaries. When the Vaca and Peña boundaries were surveyed, numerous improvements were included within the 44,383 acres allowed. Although the patent had been issued, settlers managed to get the surveys brought before Hoffman for consideration, only to have him take a strictly legalistic and narrow interpretation of the Act of 1860 by maintaining that it was not intended to apply retroactively, despite the clear intent of Congress.[33]

Both claimants and settlers early came to see that the Act of 1860 was not a major boon to them. It greatly extended the time in which claims remained unsettled, lawyers' fees were running, and court costs were growing; but it should be borne in mind that the reasons for invoking the law were diverse and that claimants as well as settlers made use of it. For example: the Honcut claim of Charles Covillaud, containing 31,679 acres in Yuba County, was ordered by Hoffman to be newly surveyed because the owners had had no part in determining the bounds of the original survey. Owners of the strategically located Laguna de la Merced grant of half a league in San Mateo County had accepted a preliminary survey, encouraged settlers to take up land outside the boundaries, and then, when they had developed the land, the claimants asked for a new survey to include the improved lands of the pre-emptors. Members of the Pacheco family, who had sold a portion of their San Ramón claim, may have approved of the survey which omitted the portion sold, but Hoffman ordered a new survey to include it. Agustín Bernal, owner of the Santa Teresa claim of one league in Santa Clara County, not content with the original survey that Hoffman showed as including 4,460 acres, induced the judge to set it aside because it disregarded the terms of the decree; when resurveyed and patented, it included 9,647 acres. The Pala one-league claim in Santa Clara County had been surveyed twice, once to conform to the ideas of the claimants, once to satisfy the settlers. Hoffman found the second survey did not sufficiently coincide with the terms of the grant and ordered a third survey. In the Oakland-Alameda region Hoffman ordered a new survey of the Peralta claim to exclude the shore land to the high water mark. This order of resurvey, it was rumored, proved enormously valuable to H.W. Carpentier who had covered it with school land warrants in anticipation of the Hoffman decision.[34] After three successive surveys of Río de los Americanos, the Leidesdorff claim of 35,521 acres in Sacramento County, there seemed no possibility of satisfying all parties. On appeal to the Supreme Court, Justice Field, on a technicality, found the Act of 1860 did not apply and returned to the first survey which stretched the claim for miles along the Sacramento River and included villages, houses, and mining claims.[35]

These and other orders for resurvey offer little evidence that the Act of 1860 was of much benefit to settlers. Hoffman, a stern and incorruptible judge, who devoted long hours and much learning to his decisions, like Justice Field of the California supreme court, leaned heavily in the direction of the owners of claims rather than the settlers. Yet, he went to great trouble to make his decisions clear and well based, even taking at least one field trip to study the lay of the land and to see how it was possible to reconcile the boundaries to the meager descriptions in the original grant.[36] Settlers could not but feel that his efforts were on the whole not productive of good for them.[37] On the other hand, not every claimant was satisfied with Hoffman's decisions.[38]

Those who had helped to secure the Hoffman Act in hope of winning lenient treatment for settlers could not foresee the appointment of Stephen J. Field to the Supreme Court of the United States. Field had a profound respect for property rights, inchoate and vague though they might be. The Hoffman Act seems to have been too "liberal" for him, for he successfully circumscribed it in a series of decisions he wrote that made it less helpful to settlers than its framers intended it to be.[39] In the Sépulveda case, involving the survey of the Palos Verdes ranch of 31,629 acres, he restricted the application of the Hoffman Act by holding that with some exceptions it did not apply to surveys made prior to the adoption of the Act and that its provisions and authority should not be read into earlier legislation. In the Malarín case involving the survey of Bolsa de San Felipe rancho of 6,794 acres in San Benito County, Field discarded evidence of fraud to enlarge the claim from one to two leagues and reversed Hoffman's order for a new survey. Field got into difficulty, however, in an Estudillo case where he appears to have been bothered by the right of interested parties to intervene in opposition to a survey. He dismissed an appeal from the Hoffman decision, but had two judges dissent and a third refuse to follow his line of reasoning, and two judges did not participate.[40]

Justice Samuel F. Miller's attitude toward and interpretation of the Act of 1860, as expressed in a Vallejo case, is somewhat shocking for its near repudiation of the intent of the measure. In a decision involving a survey of a ranch which divided two portions of public lands in a valley, he declared: "In this class of cases, a large discretion must necessarily be left to the surveyor, and while we are not prepared to say that we will not in any case review the exercise of that discretion, we have no hesitation in saying that we do not sit here to determine whether it has been accompanied with the nicest discrimination, the highest of wisdom."[41]

After a number of orders for resurvey of ranches had been issued by the district court, the statute of 1860 was sharply criticized by William Carey Jones who called it a "bill of abominations." It conferred extraordinary powers on the judge, gave the clerk of the court extraordinary fees, and $12,000 back pay to Hoffman, all of which he thought was bad enough; but more, it created an additional hurdle which had to be overcome by the holders of Mexican claims, and it was responsible for long delays in the patenting process. Although other factors played their part in the delays, the Act of 1860 may have been the most important.[42] The table of chronology of patents is interesting in this connection.

TABLE SHOWING DATES OF THE ISSUE OF PATENTS
TO LAND CLAIMS IN CALIFORNIA

1856	1	1861	14
1857	13	1862	20
1858	26	1863	13
1859	27	1864	6
1860	30	1865	36[43]

Yet, the blame cannot be placed on the statute but on the greed of the claimants who sought to gain possession of the best lands in the vicinity of their grants regardless of the terms of their grants and the intended boundaries insofar as they were given.

The Hoffman Act, with its judicial trial of the boundaries of private land claims and the responsibility it placed on the district attorney for pressing the attack in the district court if protests were made by settlers, was unpopular with large landowners who found the Surveyor General and the Commissioner of the General Land Office more amenable to their interests than the judiciary. True, some of Hoffman's decisions had favored them; when they did not, relief was available in the Supreme Court where Justices Field, Nelson, and Grier rejected some orders for new surveys. Most important of these rejections was the Sutter case in which the Supreme Court ordered the earlier survey to be reinstated, a survey which gave more of the valuable land on the Sacramento to the larger owners. In one case Justice Grier intimated that "frivolous objections" were being made by settlers to surveys and that in doing so they were abusing the Act of 1860, a statement which might be taken as showing on Grier's part a lack of understanding of the issues involved.[44]

Though we may conclude that the claimants were not seriously hurt by the Hoffman Act, they still preferred to appeal to administrative rather than to judicial tribunals. Consequently, the Hoffman Act was specifically repealed in a measure of July 1, 1864, which placed full responsibility for surveying the confirmed claim in the hands of the Surveyor General, subject to an appeal to the Commissioner of the General Land Office, or essentially a return to the *status quo* before 1860.[45] No judicial trial was allowed, save that appeals already under way were to proceed as before. Although less satisfactory to settlers, the new act did have the desirable effect of speeding up the patenting of claims as shown by the following. In 1864 only six claims were patented, while in the next three years 38, 67, and 23 patents were issued. By 1870 322 claims had been confirmed, their surveys approved, and patents issued; but it should be noted that this represented only slightly more than half of the claims that were ultimately to be patented.[46]

The bloody disputes between settlers and claimants or their assignees and the destruction of property led to another effort to provide that where boundaries of Mexican claims were changed to include pre-emption rights, the successful claimants should reimburse the settlers for the value of their improvements. In 1857 an occupancy act had been passed entitling the dispossessed settlers to recover the value of their improvements from the successful owners who ejected them, but the state supreme court had declared it unconstitutional and the legislature was loath to try again. In 1862, when disputes over settlers' and claimants' rights to land were most threatening, Governor Leland Stanford urged upon the legislature action that would render justice to such settlers who unknowingly had settled upon private land claims. He pointed out the injustice that a person having a one-league claim within boundaries of one hundred leagues had the right to recover possession of the entire one hundred leagues until the claim was segregated. Regarding a bill that would limit the time in which civil actions could be brought for the recovery of land to sixty days, he declared that it would do incalculable damage to both claimants and parties with adverse interests if they were compelled to bring suits within such a short time. He was also aware that the California supreme court might strike it down as it had the occupancy act. The assembly responded to the governor's urging by passing a measure that would prohibit actions to recover possession of land within the claims until confirmation of the boundaries had been finally determined but it was defeated in the senate.[47] Thereafter, settlers turned to the federal courts and to Congress for aid, though not with marked success.

Throughout the fifties and sixties and even into the seventies squatterism was endemic in California. Whereafter there was promising but seemingly unoccupied land to be found and this was commonly on the sparsely developed ranchos, squatters descended upon it, made their crude improvements, and announced they intended to fight the claimant's title and to resist all efforts to eject them. Appealing to natural law and the obvious evidence of fraud and perjury and incompleteness of title on many of the claims, they persisted in believing that justice would finally be done them by the courts or by Congress. Long after the titles had been confirmed, the surveys finally accepted, and the patents issued, squatters continued their battle for justice. Even the law, the courts, and the sheriffs could not persuade them to abandon their hopes to defend which they contributed funds out of their meager resources to the heavy costs of litigation.[48]

Not all claimants insisted on holding their grants intact or refused to come to satisfactory terms with settlers. Andrés Pico offered to sell to settlers his doubtful Moquelemos land for $1.25 an acre in 1853.[49] The conveyance records of San Joaquin County show that he sold 14,740 acres in 1856 and 1857 to thirty-four individuals in amounts ranging from 160 to 1,800 acres at from two to three dollars an acre, but whether they were for land in Moquelemos or his more certain Arroyo Seco claim is not clear. Some of the deeds provided for partial payment with the balance to be paid on confirmation of the claim. The city of San Jose is said to have sold its pueblo lands for $1.25 an acre and the Chabolla heirs are pictured by the local historian as having shown generosity in dealing with the settlers of their land. Settlers on a part of Larkin's Children's rancho and his Jimeno claim were able to buy at $1.25 an acre. On the San Leandro claim, below present Oakland, land was being rented to settlers at $5 and $10 an acre in 1855-1857, though only after numerous disputes between owner and squatters. In Shasta County, P. B. Reading was selling part of his San Buenventura rancho at $5 and $10 an acre. An informative dispatch in the pro-settler Sacramento *Bee*, copied from the San Francisco *Mirror*, stated that thirty families living on Pulgas were persuaded to vacate their squatters' habitations after some resistance but were given "an equitable allowance" for their improvements. Had similar agreements been offered squatters elsewhere, doubtless much bitterness and tension might have been avoided.[50]

It was the struggles of the squatters in California for their rights against the Mexican claimants or their assignees, who were attempting to float their claims over the squatters' improvements, the efforts of settlers to find the elusive free government land, the apparent ease with which large land owners could twist and subvert for their own benefit land laws designed for the landless, the exactions of the land grant railroads, the failure to break up the great estates left by the Mexican government, the emergence of new and even larger estates, and finally the rapid rise in real estate values which followed the great inrush of population into California that induced Henry George to find a new solution for what he regarded as a developing land monopoly. George's *Our Land and Land Policy* reveals a clear understanding of the unique character of the story of the disposal of the public lands in California. It was this knowledge that led him to develop his single tax advocated in his *Progress and Poverty*.

NOTES

1. *California Farmer*, XIX (April 10, 1863), 52.

2. David M. Ellis, *Landlords and Farmers of the Hudson-Mohawk Region* (Ithaca, 1946); Henry Christman, *Tin Horns and Calico* (New York, 1945); Paul W. Gates, *Fifty Million Acres* (Ithaca, 1954); C. H. Gatch, "The Des Moines River Land Grant," *Annals of Iowa*, third series, I (April, July, October, 1894, January, 1895), 345-370, 468-492, 536-552, and 629-641; James B. Weaver, "The Story of the Des Moines River Lands," *Annals of Iowa*, third series, XVIII (October, 1932), 420 ff. In the case of the Des Moines River lands where government negligence and inconsistency produced conflicting claimants to land, the federal government finally appropriated $350,000 to compensate the losers for the capital and labor they had expended on claims lost to them.

3. I am leaving out of consideration the huge 1,775,000 claim of Iturbide, the 1,240,000 claim Sutter bought from the Russians, Limantour's claim of 354,000 acres, the 133,000 to 221,000 acre-claim of the Juan and José Luco, and the absurd attempt to enlarge the dubious Prietos y Najalayegua claim to 208,000 acres.

4. Stockton *Weekly Democrat*, April 25 and May 30, 1858.

5. J. Ross Brown, *The Mariposa Estate: Its Past, Present and Future* (New York, 1868), p. 6, and accompanying map; Raymund F. Wood, *California's Agua Fria: The Early History of Mariposa County* (Fresno, California, 1954), p. 22; Stockton *Weekly Democrat*, April 25, 1858.

6. Sacramento *Daily Union*, August 3, 1858, quoting the Mariposa *Democrat;* Merced Mining Company *v.* Frémont, 1857, 7 *California Reports*, 317; Fremont *v.* Mariposa County, 1858, 11 *California Reports*, 361; Mariposa *Mail* January 26, 1867. In 1857 when Mariposa's assessment was $753,000 and taxes and accrued interest amounted to $70,000 the tract was to be sold for tax delinquency. *Alta California*, December 14, 1857. Large landowners, whether corporate or individual, generally sought to beat down the local authorities by withholding payments, even letting their taxes become delinquent, knowing that rural counties in their desperate need for income would likely be willing to compromise and accept a fraction of the original tax. Meantime, the small

holders, not daring to run such risks and not having the bargaining power the large holders had, more commonly met their taxes on time.

7. *Alta California*, January 24, 1861; 63 *U.S. Reports*, 94; 67 *U.S. Reports*, 394. Hoffman was not unduly bothered by evidence of forgery in the Yokaya claim of 35,541 acres in Mendocino County. *Alta California*, November 21, 1862.

7a. Statement of John Keyes, of Tomales, dated Feb. 5, 1861, in *California Farmer*, XIX (May 8, 1863), 82.

8. Sacramento *Daily Union*, July 1 and 2, 1858; California State Agricultural Socialy, *Transactions*, 1860, p. 79. The Cosumnes grant to William E. P. Hartnell was reduced from eleven to six leagues on the ground that Hartnell had received in other grants five leagues, thus making the maximum Mexican law allowed. 63 *U. S. Reports*, 286. A satisfactory survey was not made until 1869 when a patent was issued.

9. Ogden Hoffman, *Reports of Land Cases Determined in the United States District Court for the Northern District of California*, 1853-1858 (San Francisco, 1862), p. 188; 24 *California Reports*, 268; 63 *U. S. Reports*, 406, and 69 *U. S. Reports*, 281. Pico had three other claims rejected but he had a share in five confirmed claims containing 354,659 acres.

10. *Senate Documents*, 48 Cong., 2 Sess., 1885, no. 981, *passim*, includes a map showing the location of Moquelemos between the Moquelumne and Calaveras rivers; George H. Tinkham, *History of San Joaquin County, California* (Los Angeles, 1923), pp. 61-62. Another Pico (Francisco) had a claim to eleven leagues in Tuolumne County which was confirmed by Hoffman but rejected by the Supreme Court, perhaps fortunately, for if confirmed it would doubtless have produced much of the same controversies that raged on Mariposa and Moquelemos. As late as 1885 title questions for a portion of Moquelemos were still in doubt.

11. Sacramento *Daily Union*, August 18, 1858; Sacramento *Bee*, November 11, 1858; Hoffman, *Report of Land Cases*, p. 131.

12. Sacramento *Daily Union*, March 25, April 27, 29, and 30, 1861; Sacramento *Bee*, April 12, 13, 18, and 23, May 4, 6, 7, 20, and 23, 1861; *Alameda County Herald* (Oakland), April 24, 1861.

13. Sacramento *Bee*, April 23, 1861.

14. Sacramento *Daily Union*, April 29, 1861.

15. "Governor's Message Relative to Existing Difficulties in Santa Clara County," May 6, 1861, *Appendix to Journals of the Assembly of the Legislature of California*, 12 Session (Sacramento, 1861), no. 25, pp. 10-11; *Alameda County Herald*, May 15, 1861. An earlier squatters' meeting in 1859, after censuring the courts for their unfairness to settlers, drew up a platform that called for united efforts to upset all fraudulent grants, the removal of all officers who have contributed to the confirmation of such grants, the enactment of

legislation requiring a review of questionable grants, the assurance to every settler of the right to contest land claims, and the right to recover the value of improvements in the event of ejectment from claims. *Weekly Alta California*, May 7, 1859.

16. Sacramento *Bee*, May 2, 8, 11, 14, and 15, 1861.

17. *California Assembly Documents*, 12 Session, 862.

18. 12 *U. S. Stat.*, 902; U. S. *v.* Chaboya, 67 *U. S. Reports*, 593.

19. Hoffman, *Report of Land Cases*, p. 95 of Appendix; 24 *California Reports*, 585; Report of the Surveyor General of the State of California, 1882-1884, *Appendix to the Journals of the Senate and Assembly*, California Legislature, 27 Session, 1887, p. 25; H. S. Foote, ed., *Pen Pictures of the Garden of the World or Santa Clara County, California* (Chicago, 1888), p. 78.

20. Sacramento *Daily Union*, July 17, 22, August 5, 1861, January 9, 1864; Sacramento *Bee*, April 24, 1861, June 3, 1862; "Memorial Concerning the Settlers on the Public Lands in California and Particularly on the Suscol Rancho," signed by John R. Price and dated December 1, 1862; A. Russell Buchanan, *David S. Terry Dueling Judge* (San Marino, 1956), pp. 128 ff; Tinkham, *History of San Joaquin County*, p. 113.

21. *California Culturist*, I (Feb., 1859), 395.

22. Curtis *v.* Sutter, 15 *California Reports*, 260; Sacramento *Daily Union*, June 6, 1859; Petaluma *Journal*, Petaluma *Argus*, and San Francisco *Call* in Sacramento *Daily Union*, June 14 and December 26 and 31, 1859.

23. Tom Gregory, *History of Sonoma County, California* (Los Angeles, 1911), p. 157; Honoria Tuomi, *History of Sonoma County, California* (2 vols.; Chicago, 1926), I, 427 and 435.

24. Unsigned letter to Jacob Thompson, Secretary of the Interior, March 11, 1858, in Stockton *Weekly Democrat*, March 21, 1858.

25. George Fox Kelly, representative of the settlers on Sotoyome and Santa Rosa, told his story in *Eight Months in Washington; or, Scenes Behind the Curtain, Corruption in High Places and Villainy Unparalleled on Earth. A Despotism in Active Operation. Darkness or Blackness Before Us. Reformation Our Only Safety* (1863), and *Land Frauds of California. Startling Exposures. Government Officials Implicated. Appeals for Justice. The Present Crisis* (Santa Rosa, 1864). The first of these accounts is "Dedicated, Most Respectfully to the Lovers of Truth and Justice and the Pre-emption Settlers of California." Accounts of the violence on Sotoyome appear in Marysville *Appeal*, December 2, 1860; *Alta California*, June 17, 1862; Napa *Reporter*, July 19, 1862; Sacramento *Bee*, September 26 and 27, 1862; Sacramento *Daily Union*, June 23, 1864.

26. William A. J. Sparks, Commissioner of the General Land Office in 1885 considered the complaints of the purchasers of a claim adjacent to Pulgas that the boundaries of the latter as surveyed and patented in 1857 had done them

rank injustice and seemed to agree the Pulgas was one of the "flagrant cases of improperly acquired patents." Commissioner of the General Land Office, *Annual Report,* 1886, p. 210. Five of the 813 claims presented to the Land Commission were for parts or all of Pulgas in San Mateo County, including one presented by William Carey Jones, presumably for his fee in representing the Argüello family. The Supreme Court in 1857 dismissed the claim or claims for twelve square leagues and awarded specifically four. Yet, when patented on October 2, 1857, eight leagues were included. 59 *U. S. Reports,* 549. As late as 1878 James W. Denver, was trying to have the patent of Pulgas set aside. *Brief of J. W. Denver, Attorney for the Petitioners, Before the Committee on Private Land Claims, H. R., Forty-fifth Congress. In the Matter of Controversy Between the Owners of Pulgas Rancho, San Mateo County; California* (n. d., n. p.) with map; also *Reply to Mr. Janin's Second Brief in the Pulgas Rancho Case on the Bill Now Before the Committee on Private Land Claims in the House of Representatives* (n. d., n. p.); J. W. Denver, *Brief History of the Pulgas Case and Decisions of the Courts Bearing on it* (1878); Frank M. Stanger, *History of San Mateo County* (San Mateo, 1938), p. 44.

27. It was on these and other early confirmed ranchos that some of the worst of the squatter difficulties developed, particularly Mariposa (number 2), Suisun (1), Larkin's Children (7), and La Jota. *Alta California,* June 10 and 16, 1854; Stockton Weekly *Democrat,* June 13, 1858; Sacramento *Daily Union,* May 28, October 9, 1861.

28. Unnumbered *California Assembly Document*: "Report of select committee in relation to U.S. Land Commissioners," 1856.

29. *Cong. Globe,* 36 Cong., 1 Sess., June 1, 2, 9, 13, 1860, pp. 2520, 2554, 2778, 2952; 12 *U.S. Stat.*, 33. Judah P. Benjamin said that the measure had been submitted to several justices of the Supreme Court who gave it their approval. *Cong. Globe,* 36 Cong., 1 Sess., May 8, 1860, p. 1961.

30. Washington correspondent in *Alta California,* December 3, 1860.

31. Twelve appeals for reconsideration of surveys had been filed by August 24, 1860, *Alta California,* August 24, 1860. From that time until 1864 the Supreme Court was largely involved in cases relating to surveys.

32. Larkin could well congratulate himself on the speed with which he had pushed to early confirmation and patent his Children's Ranch. It was on this ranch that he had suffered his worst difficulties with settlers in 1853 and 1854. A United States marshall had been knocked down, "brutally beaten," and ordered to leave by a posse of "order loving sovereigns." Sheriff's deputies had been driven off and representatives of Larkin mobbed. Early confirmation and the certainty of patenting enabled Larkin to sell to settlers much of the ranch and provided funds for taxes on, and defense of, his other ranches. C. B. Sterling, February 10, 1852, to Larkin, Larkin MSS, Bancroft Library; *Alta California,* December 23, 1853, March 17, 1861; Sacramento *Daily Union,*

May 28, 1861. In addition to his Children's and Jimeno ranches, Larkin owned or had an interest in Boga, Huichica, Lobos, Cotate, and the Mission San Jose, including altogether more than 170,000 acres. "Memo of Real Estate," June, 1847, Folsom MSS, Bancroft Library. His estate was said to be worth from $300,000 to $500,000 in 1858. Stockton *Weekly Democrat*, November 14, 1858.

33. Sacramento *Bee*, August 25, September 14 and 17, 1857; Stockton *Weekly Democrat*, September 5, 1858; *Alta California*, February 12, August 15, 1861; 59 *U.S. Reports*, 556. Hoffman reversed an earlier order for a resurvey of the 11,888 acre ranch of George C. Yount in Napa County when a second document was discovered that seemed to justify the bounds established by the first survey and approved 3,030 acres more than the two leagues specified. The Leisdesdorff or Folsom claim for Río de los Americanos had its second survey rejected on the ground that it was not a parallelogram and did not conform to the terms of the grant, thus eliminating the town of Folsom and a stone quarry. On reconsideration Hoffman decided to let the survey stand since to set it aside would create so much confusion and possible litigation from the fact that the grantees had sold much land within the boundaries as established by the first survey and the government had disposed of substantial amounts outside the survey. *Alta California*, June 20, 1862.

34. *Alta California*, February 16, March 1, 17, 23, June 14, October 2, 1862.

35. *Alta California*, June 26, 1862; 68 *U.S. Reports*, 452; Sacramento *Daily Union*, January 14, 1856.

36. Hoffman visited the Ione and Jackson Valleys in Amador and Sacramento counties to determine in the field where the boundaries of the Pico claim, Arroyo Seco, should be run. *Alta California*, November 7, 1862.

37. A resurvey of the Bútano claim in San Mateo County increased the acreage from 3,025 to 4,430. Hoffman, *Report of Land Cases*, Appendix, p. 86; *Alta California*, July 13, 1862, September 8, 1862, and January 7, 1863. In many cases the acreage patented ran well above the amount included in the number of leagues granted, which was caused partly by the fact that the rough boundaries mentioned in the grant rarely coincided with the number of leagues and the courts gave greater weight to the boundaries than to the leagues. For Hoffman's justification for enlarging the acreage of the San Leandro grant see *Alta California*, September 8, 1862. The following year Hoffman changed his view about the "more or less" clause commonly found in the grants, holding that recent action of the Supreme Court had made this phrase meaningless. Henceforth the number of leagues in the grant was to be the controlling factor. For Hoffman's decision in the Joaquín Moraga (Laguna de los Palos Colorados) claim of 13,316 in Contra Costa County see *Alta California*, January 7, 1863. Some other enlargements of grants were:

Grant	No. leagues or acres intended	No. acres patented
Pulgas	4 leagues	35,240
Corte de Madera del Presidio	1 league	7,845
Loma de Santiago	4 leagues	47,226
Muscupiabe	1 league	30,144
Buena Vista (San Diego Co.)	1,109 acres	2,288
Caymus	2 leagues	11,866
Animas	4 leagues	26,518
Santa Teresa	1 league	9,647
Arroyo de las Nueces y Bolbones	2 leagues	17,782
San Jacinto Nuevo y Portrero	5 leagues	48,861
San Leandro	1 league	6,829
Laguna (Santa Barbara)	3 leagues	48,703
Guadalupe	32,408 acres	43,681

38. Tiburcio Vásquez, for example, who had 4,436 acres confirmed to him in his Corral de Tierra claim in San Mateo County, maintained that much more land should be included. *Alta California*, July 4, 1861.

39. Field used the term "liberal" in U.S. *v.* Estudillo, 68 *U.S. Reports*, 716.

40. *Ibid.*, 106, 282, 717.

41. 68 *U.S. Reports*, 660.

42. *Alta California*, April 9, 15 and 19, 1861.

43. Compiled from "Corrected Report of Spanish and Mexican Grants in California, Complete to February 25, 1886," Supplement to *Official Report*, State Surveyor General, 1883-1884.

44. 69 *U.S. Reports*, 449, 587, 589.

45. 13 *U.S. Stat.*, 332. An act of July 23, 1866, further extended the time when appeals set in motion under the Act of 1860 could be carried to the courts. 14 *U.S. Stat.*, 221.

46. "Corrected Report of Spanish and Mexican Grants" and W. W. Robinson, *Land in California* (Berkeley, 1948), p. 105 ff. As late as 1887 it was reported that 49 private land claims containing 100,000 acres were still outstanding and unpatented. Commissioner of the General Land Office, *Annual Report*, 1887, p. 538.

47. Marysville *Appeal*, March 25, 1863; *Assembly Journal*, 13 Session, 1862, pp. 98, 287-289, 587; *Senate Journal*, 13th Session, 1862, pp. 722-724.

48. W. W. Robinson has shown (*Land in California*, p. 99) how the practice of squatting on privately owned but lightly developed land carried over into the twentieth century.

49. *Democratic State Journal*, August 23, 1853, quoting the Stockton *Journal;* Deed Records, San Joaquin County, 1856-57.

50. Leases of various dates in William Heath Davis MSS, California Historical Society; Elliott & Moore, *Colusa County, California* (San Francisco, 1880), p.48; *Abstract of Title to the Rancho Buena Ventura Reading Grant Situated in Shasta Co., Showing the Original Title of Pearson B. Reading and the Title Acquired to Portion Thereof by James B. Haggin*, 1887; *Marysville Appeal,* May 22, 1863; San Francisco *Mirror* in Sacramento *Bee,* July 13, 1861.

The Historical Background of California's Constitutional Provisions Prohibiting Aid to Sectarian Schools

By PAUL GODA, S.J.

ORIGINS OF CONTROVERSY

CALIFORNIA IN COMMON with far more than a majority of the other states of the Union has stringent provisions prohibiting the use of state funds for schools sponsored by religious denominations.[1] Why and how such provisions appeared in the second California Constitution of 1879 is the subject of this study.

It must be borne in mind that California swiftly took on the cultural heritage of the United States with the constant flow of immigrants from the East. The tradition of Old California, missions and padres, ranchos and caballeros, soon became only a romantic whisper. The attitudes of the new Westerners had been formed before they came to the Golden West.[2]

The passage of a century and the hyperboles of argument on Church and State in education must also be considered. However, it is intriguing how little the trite epithets have changed with the passage of time. Yet in the middle of the nineteenth century, the problem was how to set up a large school system; today, it is how a relatively small private school system can coexist with a giant public school system.

The original California constitution of 1849 had a section on education but without any provisions forbidding aid to religious

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schools. Since the section was short, it required legislative implementation which was slow in coming.

When it did, the legislature allowed payments to religious schools. An act passed on May 1, 1851, to establish a system of common schools provided:

> If a School be formed by the enterprise of a religious Society, in which all the branches of education of the District Schools shall be taught, and which from its private and public examination the Committee will find it to be well conducted, such School shall be allowed a compensation from the Public School Fund, in proportion to the number of its pupils, in the same manner as is provided for District Schools by this act.[3]

This law and its mates in future years caused much controversy in the assembly.[4] Although it has been suggested that under this law, "Nuns in the parochial schools refused to take an examination to teach, though the men in the boys school did, in order to get state money,"[5] it is improbable that much if any money was paid out at all under this act. At the time of the first California State School Report, there was no organized state school system and most of the schools were private schools supported by tuition.[6] And the First Annual report of the Superintendent of Public Instruction in 1852 had to make varied recommendations for funds, asking for a general property tax and suggesting "that some general provision be made for the support of Common Schools in the ensuing year, and until the prospective School Fund to be derived from the sale of lands and from other sources, accrues and is available."[7] Apparently there were no funds to be paid out.

On May 3, 1852, the legislature passed another act to establish a system of common schools which abolished aid to religious schools:

> No common school shall receive any benefits or immunities under the provisions of this Act, unless such school shall be instructed by a teacher or teachers duly examined, approved and employed by competent and legal authority, as hereinbefore provided, nor unless such schools shall be free from all denominational and sectarian bias, control and influence whatsoever.[8]

Eighteen fifty-three saw the last of the general legislation for establishing religious schools within the framework of state aid:

> Article five of said Act is hereby amended by adding ... Section three. The County Superintendent may, and he is hereby empowered in incorporated cities, to appoint three School Commissioners for any Common School or District, upon petition of the inhabitants thereof requesting the same. Section four. Such Schools shall be and are hereby entitled to all the rights and privileges of any other city or Common School in the *pro rata* division of such money raised by taxation, and shall receive its proportion of money from the State School Fund in the annual distribution: Provided, they are conducted in accordance with the requirements of this Act.[9]

This was the legislation under which the ward schools of San Francisco were established, under which money was certainly paid out, and over which the invective of debate waxed strong for two years. Modern authors care little for this amendment. One called it "extremely controversial" and stated that "it was repealed largely because of public protest."[10]

Another author states the general opinion of how all this came about and what happened:

> It was stated in *The Pacific* in June 1853, in an article on Sectarianism vs. Common Schools, that the bill was passed on the official recommendation of the Superintendent of Public Instruction "almost without examination, except by its authors and a few friends of the measure, who in the hurry of the last hours of the session urged it through the forms of legislation." This enactment was held widely as being especially in the interests of the Catholics, and it led to the defeat of Superintendent Marvin when he sought nomination in June that year.[11]

The *Pacific* was actually more insinuating:

> In accordance with the claim of the Bishop, we next find the following response and recommendation of the State Superintendent of Public Instruction in his Annual Report, which by the Statute he was required to make to the Legislature at "the commencement of the Session," ... but which was not made until the 11th of April although probably drawn up long before, and was not published until some time afterwards.
>
> A considerable number of pupils are taught in churches for want of suitable school houses. They are for the most part in charge of the pastors of the same, from the choice of the parents of the children. This is more particularly the case with regard to the Catholic population in the State.[12]

However, the statement by Superintendent of Public Instruction Marvin that the bill would aid Catholic schools most of all was quite apparent. The request by Bishop José Sadoc Alemany was also quite open, having been included in Marvin's "late report" as Appendix C.[13]

Ward schools were established in San Francisco after petitions for financial assistance for church schools were obtained and accepted. Roy W. Cloud stated that "For the maintenance of three ward schools the city appropriated $36,690.50, a very large sum for school expenses at the time."[14] These ward schools were the Second Ward (St. Francis Church with 554 pupils), Sixth Ward (the Cathedral with 255 students) and the Seventh Ward (St. Patrick's Church with 612 pupils).[15] It was under this law that the nuns declined to submit to an examination. The men took the examinations, however, and received school funds for their work. John Swett, who was superintendent at the time and a foe of such aid, remarked, "As a matter of course, when the consolidation of parochial schools and public schools went into effect, I was marked for decapitation . . ."[16] although his head remained on for many years.

The *Pacific* carried on a crusade against the law of 1853:

> It must be repealed. As it now stands, it is a blot on the Statute book of a free people. For it robs the American School System of its peculiar glory. That glory is, *education at public cost, for all the people, free from sectarian influence and prejudice.*[17]

And in 1855, the *Pacific* editorialized:

> They [Catholic schools] were not created by the proper city authority; they have never conformed to the requirements of public schools, they claim to draw funds for a large number of pupils not in regular attendance, and yet are likely to receive $30,000, one third of our school monies, for two schools, while eight regularly constituted and arranged public schools shall receive but $60,000.[18]

The grand jury that year also reported that the Catholic schools were dirty and used old books.[19]

Since the great San Francisco earthquake destroyed many records, it is difficult now to prove or disprove details. In 1854 there were approximately 3,447 children in San Francisco schools with $91,360.23 spent for repairs, rent and erection of buildings, $36,014.50 spent for all salaries, and $160,342.62 for all expenditures for school purposes in the county. The total attending school was set at 4,199 and average daily attendance at 2,301.[20] In 1854, Wards six and seven had an attendance of 1,307 and Wards two and seven had an average daily attendance of 901, both of which were at the level of a 1/3 share of the pro rata apportionment. In 1855 the three wards together had 1,411 students reported. And the later superintendent's report of 1856 confuses matters by differing totals—total children in 1853 as 4,694 and in 1854 as 2,892 while the average daily attendance in 1854 was 1,272 and in 1855, it was 1,638.[21]

During the two years after the amendment of the 1852 school bill Delos R. Ashley of Monterey and Santa Cruz counties championed the revocation of aid to sectarian schools. In 1854 his "well prepared school law . . ." met strong opposition, finally passed to engrossment, but was buried in the rubble of unfinished business at the end of the session. At the end of the next session, Assemblyman Ashley had finally pushed through his bill.[22] Cloud claims that the bill "left the door open for financial assistance if private and religious schools obeyed certain regulations," but this is highly dubious and apparently no money was claimed under the bill by religiously connected schools.[23]

It might be noted that Assemblyman Ashley's name was placed before the convention of the Know Nothing Party in 1855. This was the period when such organizations, directed mainly against Irish-Catholics and their attempts to get school funds, were being organized all over the United States. After 1855, the party vanished from power in California.[24]

Some of the official philosophy behind these changes in the law and some of the difficulties in school development are posed in the reports of the California Superintendent of Public Instruction in 1855 and 1856:

> The great and well settled principle of action in the Common Schools of the United States, is to so give strength to the understanding, and maturity to the judgment of every pupil, as to enable him or her to maintain an unblemished

> life of virtue and morality, embellished by high intellectual attainment. That the inculcation of tenets of religious faith belongs to the religious instructor, to the hearth-home and the church, and not to the school house.
>
> It would be unworthy so intelligent a people as the people of California, to permit, for a moment, a question of dollars and cents, or the silly quarrels of sectarians to impede the proper education of a race of men upon whom will devolve ... more of high responsibility ... than has yet been assigned by the providence of God to any people.[25]

At any rate, when the ward schools were discontinued, the city schools took them over and the lay men members were employed by the board of education but the religious refused to take the examinations for certification. About the same time, the religious exercises in San Francisco's common schools were discontinued "because of the general opposition to any tie between the Church and the State."[26]

THE INTERIM PERIOD

The attempts to get state aid for the Catholic schools did not end with the 1855 legislation. The issue remained, whether in suggesting new legislation or by piecemeal attempts to get the legislature to give funds on an *ad hoc* basis, the latter a typical method in pre-1879 California in which the religious schools unfortunately got involved. On May 19, 1854, a bill giving one percent of the taxes on consigned goods to the Protestant Orphan Asylum was amended to give a Catholic Orphan Asylum an equal share.[27] And "An act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco" appropriated $15,000 with warrants "drawn in favor of the Superioress of said convent, and her receipts therefor shall be a sufficient voucher for said warrants and money."[28] An act making appropriations for benevolent purposes in 1874 gave money to various relief societies and hospitals as did a similar act in 1878.[29]

But these were incidental to the fight over new school legislation. The biggest fight occurred in 1861 when Zach Montgomery championed the cause of the Catholic schools. In a speech on April 10, 1861, he proposed to amend the school law by again allowing funds to religiously connected schools.[30]

Montgomery argued that religious liberty embraced "the right a parent has to inculcate his own religious principles into the mind of his child." To him, sectarianism was "that system which gives the preference to one sect over another [not which] protects all sects and denominations alike." The common school system left nothing to the interest and sense of responsibility of the parents with the State "left to manage the whole subject." He lashed out at what he called the criminal elements in the public schools and scorned the argument that his amendment would split the Common School Fund, since it was already split into "several hundred pieces" in the various localities.

The *Daily Alta California* did not care for the speech and detailed the grounds for objections:

> Our government is not established to support sectarian exclusivism, or priestly influence; rather the public interest is opposed to these, which are among the chief objects of a division of the public money . . . .
>
> But it is not necessary to oppose the bill on general principles of State policy. While looking over the Constitution yesterday, we discovered a clause which kills the bill . . . . Four or five years ago the enemies of our common schools succeeded for a short time in taking part of their money, and yet no appeal was made to our State Constitution . . . . The Constitution says in Article IX section 2:
>
> > The proceeds . . . shall be *inviolably* appropriated to the *common* schools throughout the state.
>
> * * *
>
> And you cannot make "common schools" of them.[31]

A week later, the *Alta* returned to the attack:

> A queer line of argument is used by the advocates of the Catholic School Bill. The points on which the most stress is laid, or at least those which are most frequently repeated, are, *first*, that there has been some immorality in the common schools of San Francisco; *secondly*, that some of the school books are anti-Democratic. Let us admit that these charges true; do they form any just ground for giving State money to Catholic schools? . . . if there be any defect in our common schools, it is the duty of the Legislature to provide for its correction . . . .[32]

Rather intriguingly, it added:

> If a change must be made, better let a special tax be levied on all the property of the State to suport the Catholic schools, proportioned to the common school tax, as the scholars in the Catholic schools are to all the school children.[33]

The argumentation gives a clue to one of the difficulties which our ancestors had and which we do not. The tax system was cumbersome and difficult to establish, and gave credence to the argument that there would be a splitting of the school fund if Catholic schools were to be supported. It must be remembered, too, that this was the period when many children were not receiving any education at all while the supporters of the public school system were attempting to found a school system for all.

Only in his Second Biennial Report for 1866-67 could John Swett say that there had been a transition to an American free school system with taxes on state property for all the schools instead of a more cumbersome system under which the state and the county both raised taxes.[34]

To return to the 1861 fight, sixteen-thousand names were presented on a petition to the legislature to amend the School Law.[35] But Assemblyman John Conness, who later became United States Senator from California (1863-69), carried the fight against Montgomery's proposals.[36] Some of his arguments are worth repeating:

> Adopt the proposition that is made in this bill; let every private school that may be established by the parents of children or by their religious teachers or for profit by teachers, have a *pro rata* share of the school money, and what will be the result? In a very short time the State of California will be engaged in the interesting business of collecting moneys from various sources for the purpose of education, and disbursing and distributing those moneys among private parties, to be by them applied in such a way as they see fit for the purposes of education.[37]

The dispute did not cease with Conness' victory in 1861. In 1863, out of the total number of white children aged 4 to 18, 29,416 were in public schools and 9,158 were in private schools.[38]

In 1867, the Reverend O. P. Fitzgerald took over as California Superintendent of Public Instruction, having been swept in on the Democratic tide. He was pastor of the South Methodist Church in

San Jose and had accused Swett of being an infidel because of his connection with the Unitarian Church.[39] Fitzgerald became involved in the fight over aid to religiously connected schools.

Catholics were accusing the free schools of being supported "by taxation, and yet the Protestant Bible is used in them, and their entire influence is directed to the fostering and building up of Protestantism at the expense of Catholicism."[40] The San Francisco *Chronicle* conceded that the San Francisco Board of Education which was elected in 1868 as part of the Democratic tide was composed of a "large majority of excellent men," although it was Democratic.[41] But on October 20, 1878, the *Chronicle* had complained that in 1868, "Fitzgerald supported the infamous O'Malley school bill, framed in secret session by the Democratic Board of Education of San Francisco, whereby had it passed, the public schools would have been placed permanently under the control of a religious sect." Fitzgerald was also blamed for having supported the bill appropriating $15,000 of the public moneys for the Presentation Convent. These were "only a few of the charges against this Jesuitical demagogue."

A broadcast accused Fitzgerald of favoritism for those who had served in the "rebel army," scoring him because "*Official* assistance to sectarianisms is a wanton violation of the official duty of strict impartiality, yet upon this Fitzgerald bases his claim to support."[42] At any rate, Fitzgerald was defeated in 1871, "largely due to his urging of a bill in the Legislature which would have used part of the State funds allocated to San Francisco for the public schools to help the parochial schools of the city."[43]

THE NATIONAL SCENE

These California issues were not without their counterpart on the national scene and were, in fact, an important part of them since the Irish were lining up as Democrats against the party in power. In late 1875 President Grant gave a speech to the Army of the Tennessee in a political swing around the country which raised the issue of aid to sectarian schools.[44]

The *Monitor* reacted strongly in San Francisco on October, 23:

> His speech reads like the crude essay of a school boy. It would not be worth the paper it covers were it not for the terribly evil consequences that will surely follow from its publication. It is evidently a bid for a longer lease of office. It is but the echo of the word of command that went forth from Washington some six months ago, that the religious issues and the public school agitation were the card to be played in the State elections, and if these are successful, then the grand rallying cry for the Presidential campaign.[45]

And it was a fact that the Republican Convention in California in June of 1875 had received a platform from the committee on resolutions condemning division of the school fund with sectarian schools.[46]

On November 13, the Catholic *Monitor* made a prediction, some of it faintly damning:

> These three topics will embrace the public school question, the finances and the condition of affairs in Cuba. Senator Morton, who has been in the city for the last week or so, is responsible in a large degree for the President's assuming a position upon the school question in the coming message. He has been persuading the President that he must assume the position of GLADSTONE in England and BISMARCK in Germany, and come out against the growing demands of Catholicism . . . . General Grant has not the mental caliber to make a GLADSTONE or a BISMARCK, however anxious he may be to copy the anti-Catholic policy adopted by them.[47]

The prediction came true. General Grant came out more strongly than the prediction had anticipated on December 7, 1875:

> I suggest for your earnest consideration . . . that a constitutional amendment be submitted to the Legislature of the several States to establish and forever maintain free public schools adequate to the education of all the children in the rudimentary branches within their respective limits, irrespective of sex, color, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets: and prohibiting the granting of any school funds, or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever.
>
> In connection with this important question. I would also call your attention to the importance of correcting an evil that, if permitted to continue, will probably lead to great trouble in our land before the close of the nineteenth century: it is the accumulation of vast amounts of untaxed church property.[48]

It has been suggested that one of Grant's intentions in using the issue of government funds for religious schools was to placate public school teachers, one of the groups hardest hit by the depression of 1873, and another was to bolster up the public school system from "the onslaughts of distracted taxpayers." The money question was not bringing in the votes so Republican leaders welcomed the new issue against the Democrats who were reputed not to favor free public schools because of its Southern conservative wing and its Catholic following in the north.[49] "That Grant was as much actuated by a hostility to churches as by a devotion to education was seen in his next proposal–the taxation of church property." Certainly the pair of issues left him open to the accusation that he was injecting an anti-Catholic issue into the campaign.[50]

At the time of the Presidential message, the issue caused a considerable stir and was editorialized widely. But the party was forced back on the money issue. The "religious issue was reminiscent of the Know-Nothings, and schools had little appeal to a party of wealthy men."[51] And when the school amendment was debated in the United States Senate, its demise had no discoverable comments in the press, after the events to be described were all over.

The reaction in California was uniformly favorable to Grant's message. The Reverend Mr. Hemphill in a lecture in Calvary Church thought that the amendment was purely a Roman Catholic question since the system of parochial schools was intended to undermine the public school system. He said he wanted religious books in the schools and that Grant had not excluded these but only sectarian books.[52] An editorial in the *Alta* spoke of the issue that had met with no warmer endorsement on the part of the many and no more determined opposition on the part of the few. It was stated that California already had a provision in the Constitution protecting the school fund.[53]

Late in 1875 Blaine proposed an amendment to the Constitution in accordance with the President's suggestion and the Sacramento *Bee* reprinted the following quotation from the New York *Tribune*:

> Nothing can be said against it except that it is not needed . . . . Every politician knows the average well-to-do citizen in the country districts is so sensitive as upon the possibility of Roman Catholic agression particularly with

> reference to the schools. There is no point wherein popular prejudice can be so successfully wrested to political uses. Mr. Blaine adroitly seizes upon this feeling, recognizes the danger to which the President called the public attention, and passes clear beyond him by proposing a practical remedy. Cynical observers may think it strange to see Protestantism in the hands of such defenders: and even the intimate associates of the President and of Mr. Blaine may confess to some surprise at this sudden zeal in behalf of evangelical religion against the Pope.[54]

The *Chronicle* waxed lyrical on the suggestion that church property be taxed:

> There is neither sense nor justice in exempting church property from taxation. Going to church is a luxury indulged in by the few, and is clearly beyond the means of the great bulk of the people. If one, piously inclined would enjoy the rare pleasure of worshipping God beneath some expensive and lofty spire, would kneel in a richly upholstered pew before a gorgeous and costly shrine, he or she should pray for it as much as the poor man or woman who kneels by their bedside to pray, should pay taxes for the homestead in which they live. The one who loves the music of the opera rather than hymn or oratoria, who prefers recitation to sermon, or acting upon the mimic stage to prayer and exhortation, has the same right to enjoy his tastes with a free untaxed opera box as has the lover of religious observances to an untaxed church pew . . . .[55]

Even the *Monitor* stated that it could not "find serious fault with [Grant's] message." Their editorial stated that the manner of treating the subject of Catholic demands was more temperate than the Des Moines message to the Army of the Tennessee. It reasserted that a state is not bound to provide secular education as part of its functions.[56] Later in the month, the *Monitor* reiterated that Catholics were fighting against sectarianism in public schools and wanted special arrangements for their own children.[57]

The course of the proposed amendment through the United States Congress touches on what happened in California. Mr. Blaine introduced a joint resolution, H.R. No. 1, which was referred to the Committee on the Judiciary on December 14, 1875:

> ARTICLE XVI. No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any

> public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect, nor shall any money so raised or lands so devoted be divided between religious sects or denominations.[58]

The House passed the bill by an overwhelming majority, but the Senate failed to get a two-thirds majority by attempting too much. The Senate Committee on the Judiciary changed the House Resolution into a lengthy form which could not be passed.[59]

The debate on this amendment in the Senate is most instructive on the religious temper of the times, ranging as far as debate on Pio Nono's Syllabus of Errors.[60] At any rate, in a vote which was prompted by party ties the Senate resolution failed.[61]

THE CALIFORNIA CONSTITUTIONAL CONVENTION

In 1878 the long pending revision of the California Constitution finally got under way. The history of the early struggles to set up the common school system, the attempts to get aid for Catholic schools whether through regular legislation or piecemeal handouts, the rise and fall of the Know Nothings in California, the flood of Irish immigration, all of these are a background to the problem of State aid to religious education.

Newspaper editors faced the problem in the middle of 1878:

> The *Monitor* [Roman Catholic] especially approves the platform of the Workingmen's Party because it does not assert itself in favor of secular education . . . . Further along it asserts "the hostility of the Church to this system of instruction," and attributes most of the evils now afflicting American society and politics to this particular and dominating evil.
>
> This is the first time within our recollection that the remarkable doctrine of the Syllabus of 1864 has been boldly put forward in the State of California as a part of the machinery of a political party . . .[62]

However, the Workingmen's Party was for free secular education just as much as the other two parties. At its first state convention in January, 1878, the resolution on common school education stipulated that "such education [should be] entirely secular," and the Kearney convention in May, 1878, asked for free public education.[63]

The California Teachers Association commissioned John Swett in 1878 to prepare the sections they wished to be presented in the convention. The third section relating to sectarian education was ultimately adopted almost as written as Section 8.[64]

On November 1 the Committee on Education listened to an extended argument by John Swett on the needs of the School Department; certain sections were adopted among them the provision that "no money shall be appropriated out of the school fund for sectarian purposes."[65] The legislative committee did not make an exception for orphan asylums because they were not under state control. On the seventy-seventh day the Committee on Education gave its report including sections on aid to sectarian schools:

> Sec. 9. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools.
>
> Sec. 10. . . . It [University of California] shall be entirely independent of all political or sectarian influences, and kept free therefrom in the appointment of its Regents, and in the administration of its affairs.[66]

On December 20 the Committee of the Whole considered the report of the Committee on the Legislative Department and received an amendment by Mr. Stedman that orphan asylums be allowed to receive state aid, no other section notwithstanding.[67] One of the California papers argued for state aid to orphan asylums because of the greater economy they could practice and the feelings of sympathy orphans could receive.[68] The same paper also remarked on the possibility of loss of support for the new constitution without such a provision.[69]

Compared to the discussion on the common schools, the debate on aid to religiously supported orphanages was extremely long.[70] It was in these discussions that the varying philosophies of education were best enunciated.

Mr. Stedman emphasized the economic aspects of the need for state support of the orphan asylums. Because of the importunities of various institutions without regular legislative support, those groups best able to lobby were receiving the most aid. Stedman wanted to put aid on a regular *pro rata* base. Furthermore, private institutions were more economical. The rate had been $83 per capita per year compared to Massachusetts, the most economical state with state control, at $129 for maintenance only.[71]

Mr. Barbour argued for the amendment:

> I do not fear to allow them to be taken care of in these institutions because some religious instruction may be given them. The State is in no danger. It has not been in the past, and it will not be in the future. These exaggerated fears never should deter any man from giving his support to this proposition, even assuming that these institutions are sectarian; that they are trying to sap the foundations of free institutions. It is only a flea-bite anyhow, and it is a fact that the line of training given is the same line of bringing up as they would have received from their natural father and mother if they had been alive . . . .[72]

The retort to this joined the issue to the school question:

> Mr. Filcher. If that is the case, why do you not favor the appropriation of the School Fund for sectarian schools?
>
> Mr. Barbour. Because the State cannot afford to split up the School Fund. It is necessary to the efficiency of the schools that the fund should be preserved intact. But now we are dealing with another matter. The State undertakes to furnish food and clothing to the children, and a home and shelter, that is the difference. If the parents of that child lived, and they had chosen to bring up that child at home, under the influences there with which they chose to surround it, the State could not have any objection to it.[73]

Attempts were made to draw the sting of the amendment allowing aid to orphanages run by religious groups by putting in various qualifications such as limitation of aid or stipulating that the orphans be educated in public schools:

> Mr. Vacquerel. Mr. President: I am glad to see that the cat is out of the bag. Mr. Reynolds says there is sectarianism in the whole question, and I have no doubt he meant it. Now, sir, gentlemen come here on this floor and preach economy. We talk about education. But whenever we come to these institutions about there is no more said about economy . . . . The State must pay, but the State must have no voice in the education of these children. I say that these children ought to be educated in the common schools in order to make thorough American citizens out of them, who will know the rights and duties of American citizens, and if they are educated in sectarian schools they will know everything else but their duties as citizens. (Applause)[74]

The spirit of compromise appeared in a retort to this kind of argument.[75]

> Mr. Grace. I cannot see where this matter of sectarian teaching has crept into this discussion. I am sorry to see these matters brought up here ... I am sorry to hear these appeals to the worst prejudices of the human nature. Now, why should we say to these people that they shall only teach certain kinds of religion. The Catholics do not tell you that in your institutions only the catholic religion shall be taught. Everybody has a right to raise children in whatever faith they may think proper, and children have a right to be educated according to the wishes of parents or guardians. I am in favor of the public school system; but when you undertake to cram it down the throats of the people, you are injuring your cause.[75]

Therefore the following provision was submitted by the Constitutional Convention:

> Art. IV, Sec. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use of benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State, as a State institution ...; provided, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances ...; provided further, that the State shall have, at any time, the right to inquire into the management of such institutions . . . .[76]

The argument about support for the school system was much less than on orphanages since there was little opposition. One man summed up the general feeling:

> Mr. Howard. ... I am in favor of a free school system. I do not agree with those people who assail this system, and call it a Godless system. I regret that any preacher or priest should have taken upon himself to indulge in that strain of comment; and I regret most of all that of late some of the persons in the Episcopal Church, to which I am attached, and to the support of which I contribute, should have taken upon themselves to denounce the free schools of this country as Godless schools. I think they mistake the public interest.[77]

Thus it was that the following sections on schools were incorporated into the Constitution:

Art. IV. Sec. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

Art. IX. Sec. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools: nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.[78]

AFTERMATH

The public schools of California in those days a century ago were in the first stages of formation, fighting for existence. Their philosophy was to give a good, basic, secular education to all. Their atmosphere was Protestant because the atmosphere of the country was Protestant, Americanistic because the growing American giant was understandably nativistic. That their climate was somewhat anti-Catholic although not primarily so should not be surprising.

The philosophy of the Catholic schools was founded on their faith and on the cultural traditions from which the people who kept to that faith sprang. Their theology held that the Church has a divine right to teach. That this claim should be extended to secular education should not be surprising either. Catholic churchmen in the United States generally sided with the Protestants who also claimed that the State had no business in education. Unfortunately, they not only proclaimed the incompleteness of secular education but hurled the epithet of godless at the system.

Public schools took strength from Catholic growth because with the advent of Catholic claims, most Protestants rallied to the defense of the public schools and abandoned any idea of establishing systems of parochial schools.[79] The constitutions of thirty-four states in 1931 declared it to be the policy of the State that public school funds, whether State or local, shall not be expended for sectarian purposes or in aid of schools controlled by religious denominations.[80]

It was one weakness of the Catholic school position that Americanization was often equated with lapse of faith. The Catholic faith was too often seen as demanding the cultural protection which it had had in Europe.[81] Those who refused this protection by fighting state aid to religious schools were made into godless enemies of the Faith without distinction.

The strength of the Catholic school system lay in the fact that great numbers of foreign born who were Catholics were strong enough and fervent enough to defend their faith by refusing to become so "Americanized" that they would forget the faith that had been given to them. Protestants had no such drive to urge them to set up their own schools in what was peculiarly their country and so could generally accept the public school system.

When Protestants tried to keep the public schools Protestant, there existed men who could see the weakness of the Protestant position *vis a vis* the Catholic influx and who were willing to concede the Catholic argument that the public schools were sectarian.[82]

Catholics often made their position a philosophical instead of a political one. Non-Catholic authors in California and through the nation did not take kindly to this, mixing in their own polemic as they argued. Daniel Dorchester gave the usual condemnations of Papal absolutism, quoting the Reverend F. T. McCarthy, S. J., of Boston who said that "God never gave a commission to the State to educate . . ." Dorchester vindicated the State theory on the ground that the people had relinquished the right and duty of secular education to the State. He severely deprecated what he called the Catholic theory

> —that the offices of the State are subordinate to and dependent upon the supreme will of the Church, and that all functions, religious, civil and social, must be administered under her direction and dictation.[83]

A California paper took the argument a step further. The article was written by A. L. Mann, Superintendent of San Francisco Public Schools:

> At the recent dedication of the new St. Ignatius College in San Francisco, the Rev. Father Rooney, in the course of an able and eloquent address, said: "In education, as in other things, the Church and the world are at war; but the Church will, in the end, prove the conqueror, and will endure to see the burial of the public school system amid the plaudits of the descendants of its ardent admirers."
>
> The Rev. Father bases this tremendous prophecy upon the statement that the public schools train the mind alone to the exclusion of the moral faculties, and thus, to use his own words, are producing a race of "intellectual demons." According to him, the soul must be cared for by the inculcation of religious dogmas, not only at Church, in the Sunday-school, and by the parental fireside, but also amid the daily lessons recited at school; and in order that this may be done properly, the Church must take charge of the school, and "Christian doctrine" must be a principal topic in the course of study.
>
> To this, which is not the American, but rather the Spanish or Italian idea, what I have said before seems to me a sufficient reply. I will repeat, however, that it is a practical impossibility to separate entirely mind-training from soul-training . . . .[84]

The educators saw the need for training in the natural virtues but felt that a nonsectarian public school system had to come into being because the various sects could not become reconciled:

> On Wednesday evening last, according to a special dispatch of the 21st instant to the CHRONICLE, the great hall of the Cooper Institute of New York City was crowded with an audience of "enthusiastic men and women who desire that the Bible shall be read in the public schools, and that the school fund shall not be used for sectarian purposes." The enthusiasm of the people who could in the same breath make two demands so logically inconsistent with each other may be admitted, and also their sincerity of purpose; ... the logic which demands the exclusion of sectarian teaching from the public schools demands the exclusion of all religious teaching whatever, since the discovery of a mode of teaching religion without at the same time teaching what sectaries will denounce as sectarianism remains to be made.
>
> It is evident that the Protestants who insist on Bible-reading in the schools take substantially the same position in regard to a purely secular education that is assumed by the Roman Catholics—namely, that such education, unaccompanied by religious or sectarian training, is an unholy and pernicious thing, and that knowledge is *per se* dangerous and evil in its tendency.[85]

Catholics in California, it may be added, could be said to have weakened their position by making many of the same arguments against the Chinese that others were making against the Catholics. The *Monitor* came out strongly against the Chinese, calling them unnatural and unassimilable, and proclaiming that the area had been developed by white men.[86]

It is probable that compromise between Catholics and their fellow-citizens, let alone with members of other faiths, was impossible on the school question in California. The Catholics, new citizens of a lusty, new land, had to fight to retain their identities in a land which was becoming theirs. If religious schools were to get anything, they had to get a minimum as the issue of the orphanages showed. Effectively, to demand ecclesiastical rights of any kind only solidified the growth of a practical separation of Church and State.

NOTES

1. Edwin S. Lide, *Constitutional Basis of Public School Education,* Leaflet 40, Office of Education (Washington, D. C., 1931), pp. 8-9.

2. *cf. e.g.*, William Hanchett, "The Question of Religion and the Taming of California, 1849-1854," "*California Historical Society Quarterly*," XXXII (June, 1953), 122.

3. *Laws of the State of California,* 1851, Ch. 126, Art. V, Sec. 10, p. 499.

4. Roy W. Cloud, *Education in California* (Stanford, c. 1952), p. 24.

5. Laurence Murrell Childers, "*Education in California under Spain and Mexican and under American Rule to* 1851" (unpublished Ph.D. thesis, University of California), p. 213.

6. John Swett, *History of the Public School System of California* (San Francisco, 1876), p. 18.

7. *First Annual Report of the Superintendent of Public Instruction*, 1852, Appendix to Journal of the Proceedings of the Assembly, Third Session, 1852, pp. 803-824.

8. *The Statutes of California,* 1852, Ch. 53, Art. VI, Sec. 1, p. 125.

9. *The Statutes of California,* 1853, Ch. 166.

10. Cloud, *op. cit.,* p. 26.

11. William Warren Ferrier, *Ninety Years of Education in California,* 1846-1936 (Berkeley, 1937), p. 7.

12. *The Pacific* (San Francisco, June 3, 1853), II, no. 88, p. 348.

13. *Second Annual Report of the Superintendent of Public Instruction,* April 11, 1853, Appendix to Journal of the Proceedings of the Senate, Document N. 61, "Journal of the Fourth Session of the Legislature of the State of California," (San Francisco, 1853), pp. 27-28.

14. Cloud, *op. cit.,* p. 30.

15. *Ibid.,* p. 251.

16. Ferrier, *op. cit.,* p. 7; John Swett, *Public Education in California* (New York, 1911), p. 116.

17. February 10, 1854, III, No. 16, 60.

18. April 27, 1855, Vol. IV, no. 21.

19. *id.*

20. *Annual Report of the Superintendent of Public Instruction, Document* No. 4, Assembly Session, 1855, Appendix to Assembly Journal, p. 5.

21. *Fifth Annual Report of the Superintendent of Public Instruction of the State of California,* January 17, 1856, Document No. 4, Senate Session, 1856, pp. 7-8.

22. David Barrow's Stewart, "The Development of Constitutional Provisions Pertaining to Education in California" (unpublished Ph.D. dissertation, University of California), pp. 87-8.

23. Cloud, *op.cit.,* p. 27.

24. Peyton Hurt, *The Rise and Fall of the "Know Nothings" in California* reprinted from the *California Historical Society Quarterly,* IX (March and June, 1930), p. 10 and *passim.*

25. *Fourth Annual Report,* pp. 5-6; *Fifth Annual Report* p. 10.

26. Cloud, *op.cit.,* p. 30.

27. *The Daily Alta California.*

28. The *Statutes of California,* 1869-70, Ch. 582, p. 889.

29. *The Statutes of California,* 1874, p. 897, and for 1878, Ch. 653, p. 1009.

30. *Speech of Hon. Z. Montgomery . . . Touching the Necessity of Amending the School Laws of This State,* April 10, 1861 (Sacramento, 1861).

31. April 12, 1861. pp. 1-2.

32. April 18, 1861.

33. *Ibid.*

34. Cloud, *op.cit.,* pp. 41-2.

35. Sacramento *Daily Bee,* April 12, 1861.

36. Cloud, *op.cit.,* p. 38.

36. Swett, *History of the Public School System of California,* p.33.

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53. *Ibid.*, December 16, 1875.

54. *Ibid.*, December 13, 1875.

55. December 9, 1875.

56. December 11, 1875.

57. December 25, 1875.

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59. *Ibid.*, Vol. 4, pt. 6, p. 5453.

60. *Ibid.*, Vol. 4, pt .6, pp. 5580 *et seq.*

61. New York *Times*, August 15, 1876.

62. San Francisco *Chronicle*, May 25, 1878.

63. Davis, *op.cit.*, pp. 381, 385.

64. Cloud, *op.cit.*, p. 65.

65. *The Daily Alta California*, November 2, 1878.

66. *Debates and Proceedings of the Constitutional Convention of the State of California*, (Sacramento, 1880-1881), December 13, 1878, pp. 692-3.

67. *Ibid.*, December 20, 1878, p. 783.

68. Sacramento *Daily Record-Union*, October 30, 1878.

69. *Ibid.*, December 21, 1878.

70. *Debates . . .*, pp. 783-793, 1261-1267, 1272-1274.

71. *Ibid.*, December 20, 1878, p. 783.

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75. *Ibid.*, February 4, 1879, p. 1265.

76. *Ibid.*, March 3, 1879, p. 1512, cf. p. 157.

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78. *Ibid.*, March 3, 1879, p. 1513.

79. Burton Confrey, "Secularism in American Education–Its History" (unpublished Ph.D. dissertation, The Catholic University of America, Washington, D.C.), p. 135.

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81. *cf.*, for example, Thomas T. McAvoy, CSC, *The Americanist Heresy in Roman Catholicism* (Notre Dame, Indiana, 1963), p. 16; Daniel Callahan, *The Mind of the Catholic Layman* (New York, 1963), pp. 60, 190.

82. Freeman R. Butts, *The American Tradition in Religion and Education* (Boston, 1950), pp. 117-8.

83. Daniel Dorchester, D.D., *Romanism versus the Public School System* (New York, 1888), pp. 137-47.

84. "Our 'Godless' Common Schools," *The Pacific School and Home Journal*, no. 2, p. 42. III (February, 1879), 42.

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86. March 27, 1879, May 15, 1879.

NEW BOOKS

A Gallery of California Mission Paintings. Edited by Ruth I. Mahood. (Los Angeles: The Ward Ritchie Press, 1966. 59 pp. $7.50.) Reviewed by Florian F. Guest, O.F.M.

This is a gift book, an art exhibit bound in cloth. It is a collection of photographs, in color, of Edwin Deakin's paintings of the California missions.

Born in England, Edwin Deakin (1838-1923) came with his parents to the United States in 1856, began his career as a painter in Chicago in 1869, and, in 1870, moved to California. Here he distinguished himself as a landscape painter in the Romantic style of Joseph Turner. Although he did not confine his artistic efforts to scenes from the Golden State, his California subjects included Donner Lake, Lake Tahoe, the Truckee River, Yosemite, and numerous others. Outstanding among the attractions that caught his artistic eye were the California missions, most of them at that time in a state of partial ruin. Altogether, he did three series of paintings of the missions. The series photographed in this splendid little volume is now in the Los Angeles County Museum of Natural History. The editor accompanies each photograph with a one-page pen-portrait which sketches, briefly but accurately, the historical background of the mission in question. Paul Mills, curator of the Oakland Art Museum, contributes an informative essay on Edwin Deakin as a painter. And Donald Cutter, professor of history at the University of New Mexico and an authority on the history of the Southwest, sums up the historical significance of the missions and their role in California's past. The editor is to be congratulated for producing a book that at once recaptures the flavor of the old Spanish days and reproduces for the art lover a selection from among California's most precious paintings.

Father Florian F. Guest, O.F.M., received his Ph.D. degree from the University of Southern California. A specialist on Hispanic California history, he is currently authoring a biography of Fray Fermín de Lasuén.

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The Republic of Lower California, 1853-1854. In the Words of Its State Papers, Eyewitnesses, and Contemporary Reporters. Edited by Arthur Woodward (Los Angeles: Dawson's Book Shop, 1966. 73 pp. Illustrations, Map.) Reviewed by Noel J. Stowe.

This interesting account of William Walker's Baja California exploits is but one book within a series being published by Dawson's Book Shop, Los Angeles. Edited by Edwin Carpenter of the Huntington Library and Glen Dawson, the Baja California Travels Series adds significantly to the bibliography pertaining to this region and will interest the general reader as well as the scholar. For each book presents a document or a group of contemporary accounts well chosen pertaining to a specific subject. For instance, Arthur Woodward's work is capably edited with a succinct but adequate introduction which leads into a series of selections chronologically describing Walker's filibustering activities in Baja California during 1853-1854. Walker's intention was to seize Sonora, but events thwarted this goal and he was forced to restrict his actual efforts to the peninsula of Baja California.

As the subtitle of the book indicates, the history of Walker's self-proclaimed and ill-fated Republic of Lower California is recounted "in the words of its state papers, eyewitnesses, and contemporary reporters." The selections are taken from primarily two contemporary newspapers—the San Diego *Herald* and the *Alta California.* Also represented are the *National Magazine,* the Los Angeles *Star,* and the Juan Bandini account of the Walker venture as published in the *Huntington Library Quarterly.*

In the introduction Woodward summarizes Walker's activities prior to his immigration to California, such as his dabbling in three different careers—medicine, law, and newspaper writing. Interesting is the fact that Walker's work in this last field included writing articles damning the López filibustering expedition to Cuba. Woodward feels that Walker was a crusader, and once in California the adventurer "took up his editorial cudgel against the gangsters and crooked judges who infested the new city on San Francisco Bay." His work against this lawless element contrasts well to his own later illegal activities. These, of course, relate to his efforts to seize Mexican territory.

During his campaign in San Francisco to engender support in terms of finances, provisions, and men, Walker ran into the formidable opposition of "Major General Ethan Allen Hitchcock, then in command of the Pacific Division of the United States Army," who sought to prevent this filibustering activity. However, Senator William Gwin, at the same time, was pressuring public officials to allow Walker's work to proceed unencumbered either by restrictions or by officers, such as Hitchcock.

Woodward, at this point, writes that Walker "knew the Southern sympathizers were on his side, some of them high in state government circles." Further, Woodward notes that Gwin was "a notorious slave state men." Obviously, the editor feels that these references to Southern sympathy are important, yet he fails to demonstrate why. Later, when Walker's establishment of the Republic of Lower California is recounted along with his promulgation of "the Civil Code, and Code of Practice of the State of Louisiana . . . [as] the rule of decision and the Law of the land," Woodward notes that this Louisiana code, "of course, allowed slavery." Since these references to the Southern cause are pointedly made, then perhaps Woodward should indicate clearly his reasons for so doing. In other words, the point might be made that Walker was acting in line with a preconceived plan (involving Gwin and others) to eventually extend the Southern United States into northern Mexico and that Walker's activity was the advance guard of such a move. Thus the editor's reference should be more precise: Does he really view Walker's attempt to create a slave holding area as a particular portion of a preconceived more general plan, or does he focus on these points solely as a matter of historical interest? Whatever the case may be, the editor should indicate his reasons for alluding to Southern feeling and show a more precise connection as to how this sentiment influences Walker's activity. Especially is clarity needed since a difference of opinion on the part of other writers seems to exist concerning Walker's motives in establishing this slave holding Republic.

However, this point must not detract from the essential nature of the book. For its value may be found through the judicious use of sources, their placement, and the resultant occasional juxtaposition of views which allows the reader glimpses of Walker's nature. For example, in contrast to the grandiose statements to his men about the noble selfless nature of the expedition is the analysis by one man who felt "that the expedition had but one object, viz.: to enrich certain capitalists, and satisfy the ambition of William Walker, Colonel and President." Walker had previously declared to the populace of Lower California that his object was "the amelioration of your social and political condition, and the improvement of the country, by all the arts which conduce to the civilization of a people." To the people of the United States he stated that Mexico was unable to furnish the essential "requisites for the growth and prosperity of the Peninsula," that is, "good government and sure protection to labor and property." Therefore "to go in and possess the land" was a vital necessity if it was ever to be developed.

The use of these documents in such a way as to allow them to present the unfoldment of the Walker activity, its ideals, its successes, and its failures, demonstrates that publication of original sources need not be a lost cause to the editor nor a bore to the reader. Assuming that this book is characteristic of the series, the interested reader of Californiana will be genuinely rewarded by a persual of not only this selection but also the rest of the series which highlights significant developments of this frequently neglected area.

NOEL J. STOWE is presently an assistant professor of Latin-American history at Arizona State University in Phoenix.

Maps of Los Angeles, From Ord's Survey of 1849 to the End of the Boom of the Eighties. By W. W. Robinson. (Los Angeles: Dawson's Book Shop, 1966. 90 pp. $60.00.) Reviewed by Doyce B. Nunis, Jr.

Aficionados of the history of the City of the Angels and its satellite communities know well the work of the area's most distinguished local historian, W. W. Robinson. His numerous pamphlet histories for the Title Insurance Company crowd many a private and public library shelf—a shelf made fatter by his many authored books, especially those written about his beloved Southern California. This newest addition to Robinsoniana may not greatly fatten the library shelf, but it will enhance and enrich it immensely.

Enhance, indeed. This beautifully designed and printed volume, a superb testament to the typographical artistry of Saul and Lillian Marks, complemented by Bela Blau's tasteful binding, will become in short order a *major* collector's item. From the point of view of fine printing, it deserves that accolade and exclusive fate. The 380 copies will soon vanish and the "Out-of-Print" notice will replace the "For Sale" sign. Let the wary take heed!

But more. This volume is an important addition to Los Angeles local history: it is a written and graphic record of how the city grew—a history in essence of subdivision and growth as seen in the maps of Los Angeles, 1849-1889. In a brisque and distilled series of brief introductory chapters, Robinson highlights the essential points in the story of the mapping and mapmakers of Los Angeles and some of its neighboring regions. The detective narration of the city's first map turns on the question of "who done it." Robinson tells all.

Part II of the book provides a "Selective List of Maps, Significant in the History of Los Angeles." If Robinson's introductory text is the appetizer, then here is the main entre. And what a feast it is! Through careful and painstaking research, the author has culled an annotated cartobibliography of 127 select items—maps chosen with discrimination and attention. In way of illustration, 27 maps are colorfully reproduced; many of them, folded plates, have been tipped in. To crown the choice selection of maps reproduced, H. J. Stevenson's "Map of the City of Los Angeles," printed in 1884, is placed in a pocket at the end of the book.

Unfolding this excellent reduced reproduction and scanning its multi-colored details, one sees the city's four square leagues spread before him. There is history and drama in what strikes the eye and fires the imagination. The contemporary land holdings of Keller, Lankershim, Wolfskill, Hellman, Newmark, Workman, Vignes, Hansen, Childs—names of men helping to build a city—fan out before the gaze. Here in one map is much of the city's recorded history. And that is precisely the point: maps are history. And so it is with the other selections which are sumptuously reproduced.

Hurrahs, then, for Robinson, Dawson's, the Plantin Press, and the lucky ones who will have a copy of this invaluable book to enhance and enrich their Robinsoniana shelf—me included.

Doyce B. Nunis, Jr., an authority on California history, is an associate professor of history at the University of Southern California and editor of the *Southern California Quarterly*.

James Douglas in California, 1841: Being the Journal of a Voyage from the Columbia to California. With an Introduction and Explanatory Notes by

Dorothy Blakey Smith. (Vancouver: The Library's Press, 1965. 56 pp. $15.00). Reviewed by Everett Gordon Hager.

As early as 1825 the Hudson's Bay Company had made its first survey of the fur resources of the Mexican province of California on the Pacific Coast. During the fourteen years from 1829 to 1843 the departure of a fur brigade for Upper California was an almost annual scene at Fort Vancouver. The company operated without benefit of permission from the administration in California, for the Mexican Government was weak and local authority divided.

British goods were exchanged for hides, tallow, and wheat, with the latter commodity in great demand for export to the Sandwich Islands and Russian Alaska. Although Mexican law forbade foreigners to trade in California, the demand within Mexican-California for finished goods was so great that the enforcement of the law became exceedingly lax and smuggling constant and obvious.

James Douglas began service with the Hudson's Bay Company in 1819. It was due to such service that John McLoughlin chose Douglas to take part in the diplomatic mission to secure Governor Alvarado's permission to send a party of thirty men to trap throughout California.

The original account of Douglas's trip to the Northwest Coast with voyage records of the Hudson's Bay Company ships with an addition entitled, "Notes respecting the journey down Connolly's River" in 1827, is part of the Provincial Archives of British Columbia. From this fascinating journal, the California portion consisting of but fifteen leaves covering December 2, 1840, to January 23, 1851, with spelling and punctuation kept as it appeared in the original, has now been reprinted.

Attention must be directed to an earlier reprint edited by Dr. Herman A. Leader and published thirty-six years ago in the June, 1929, *Quarterly* of the *California Historical Society*, enhanced with eighty-six splendid and informative notes. Needless to point out this work has long been out-of-print and is exceeding scarce.

It is high time, indeed, that a reprint should now become available to student and scholar of the Mexican-California era. This edition, designed and set by hand and printed by Wil Hudson for The Library's Press at Vancouver, will fill that need.

James Douglas wielded a descriptive pen, and his entries covering even so short a number of days, a mere fifty-two, in California, exerted a strong influence toward the establishment of the Hudson's Bay Company trading post at Yerba Buena.

Due to the efforts of Douglas, the Hudson's Bay Company was permitted to purchase land at Yerba Buena and to maintain a trading post there until sold upon the eve of the Gold Rush. Until the sale of the land by the company in 1846, Yerba Buena post remained the only such establishment in all California.

Douglas's frank and lively comments on the men and manners of California in 1841 could easily be considered forerunners of today's modern public relation releases. His description, for the nonresident, conjure up a colorful and picturesque countryside and mode of life. Names which ring with importance and vitality in an untried and new area to the commercially minded adventurer and fur trader Douglas recorded in his journal. It was with historically star-studded persons such as Hartnell, Vallejo, Sutter, David Spence, Edward T. Bale, Carlos Castro, and James Alexander Forbes that Douglas met and lived with.

Of considerable interest to the maritime history student will be the many references to coastal towns, ports, and more particularly various shipping houses, cargoes handled and their vessels, all of which played such important roles in the California of 1840-1841.

The studiously researched study and excellent Introduction prepared by Dorothy Blakey Smith covers twenty-five pages and also contains an addition of some twenty-six "Notes to the Introduction" at the rear of the tiny volume.

Surely such a study merited additions of some good maps or better portrait studies of Douglas or others intimately involved with the Hudson's Bay Company activities in California? This journal issued in an edition of only five hundred is available at a rather high price (for students) of $15.00.

If criticism be given it concerns the uncomfortable format of the appearance of notes to the text in italics on the *verso* page referring to entries which appear on earlier *recto* pages. This obligates the reader to proceed one page only and then forcing him to drop back two or three pages to verify various statements or sources quoted.

In spite of minor drawbacks as to format and price, scholars seeking out little-known Pacific Coast journals for the years 1840-1841 will welcome this edition.

James Douglas in California, 1841, is welcomed and will continue to serve and remain of great value to scholars and students of the vital Mexican-Californian year of 1841 and the important role held by Douglas.

Everett Gordon Hager, a member of Los Angeles Corral of the Westerners and also of the Zamorano Club, is student of California history.

Keepers of the Past. Edited by Clifford L. Lord. (Chapel Hill: University of North Carolina Press, 1965. 241 pp. $6.00.) Reviewed by Rodman W. Paul.

This pleasant but slight volume contains biographical sketches of eighteen individuals who in one respect or another were pioneers in the collection and preservation of records and artifacts of the American past. Much of the field covered by the book was pre-empted four years ago by the publication of Walter Whitehill's much more comprehensive and charmingly urbane report on *Independent Historical Societies.* But it will be useful to have these compact biographical essays as a supplement to Whitehill's big volume, and the essays serve collectively as a highly personal and decidedly interesting introduction to a type of historical effort that is too little known.

The decision as to whom to include among these pioneers has necessarily been arbitrary. Some of the inclusions are obvious, such as Jeremy Belknap, the eighteenth-century founder of the Massachusetts Historical Society, Lyman C. Draper of Wisconsin, J. Franklin Jameson of the American Historical Association, and William Sumner Appleton of the Society for the Preservation of New England Antiquities. Some are unexpected, such as Adina De Zavala, the determined little lady who crusaded to save the site and buildings of the Alamo, or Stephen H. P. Pell, the aristocrat who made a hobby out of reconstructing Ft. Ticonderoga.

The omissions are as notable as the inclusions. To Californians the absence of Hubert Howe Bancroft's name will be inexplicable. Bancroft was as resourceful and significant a collector as most of those who do appear in *Keepers of the Past,* his great library has been as important to the history of the Far West and Mexico as Draper's has been to the older "West" of the Appalachians and the Mississippi Valley, and, besides, Bancroft not only collected raw material but also organized a team that wrote and published thirty-nine volumes of history and seven volumes of biographies. Another unusual California opportunity that was missed was the chance for an essay on Herbert Hoover's remarkable achievement in salvaging out of the ruins of the First World War the masses of documents that are now in the library that bears his name at Stanford.

Curiously, there is no index to this book about men who spent so much of their lives collecting and indexing records.

Rodman W. Paul, a doctoral graduate of Harvard University and a distinguished author in Western American history, is professor of history at the California Institute of Technology.

The Nez Percé Indians and the Opening of the Northwest. By Alvin M. Josephy, Jr. (New Haven and London: Yale University Press, 1965. 644 pp. $10.00.) Reviewed by Howard A. Fleming.

The ninety-nine years and a day from September 20, 1805, to September 21, 1904, encompasses the tragedy of the Nez Percé nation. On the former date, Captain William Clark recorded in his journal the first encounter of white men with the Nez Percé. On the latter date Chief Joseph, towering symbol of the Nez Percé nation, died in exile. A reservation physician reported the cause of death to be a broken heart.

In the early days the Nez Percé were the Indians everyone liked. Lewis and Clark were the first to extol their virtues, as did Wilson Price Hunt's overland Astorians of 1811, and the mountain men of the 1820's and 1830's. To the Nez Percé, these Americans were the "Big Hearts" who fraternized easily and who paid prices for furs that were higher than the rates of the Hudson's Bay Company. The first discordant note in American-Nez Percé relations followed the establishment of the mission at Lapwai in 1836. The converts of Henry Spaulding created a growing cultural disunity among the Nez Percé, a disunity magnified over the years by government recognition of subservient mission-influenced tribal leaders. By 1855 these leaders were willing to accept semi-Christianity and reservation status in return for treaty guarantees of subsidies in goods and money. But calamity came with the discovery of gold. With thousands of whites trespassing on Nez Percé lands, the government induced a few chiefs to accept a new treaty in 1863, reducing the reservation to a tiny fragment of its 1855 extent.

The nontreaty Nez Percé, whose lands were unilaterally declared in the public domain, inevitably experienced increasing conflict with homesteaders. After years of tension and bloodshed the nontreaty chiefs reluctantly agreed to give up their lands and move onto the reservation as the only way to protect their people from white attack. In the spring of 1877, as the nontreaties moved toward the reservation, three young Nez Percé warriors decided to use their last chance to even scores with whites who had mistreated or murdered Indians. Their foray, undertaken without the knowledge of the chiefs, left four whites dead and began the Nez Percé War. The war itself was actually a 1700 mile fighting retreat by 750 men, women, and children encumbered with baggage and livestock. Time after time, in skirmish or set battle, they defeated the best that the United States Army could throw at them. After months of fighting and marching they were overtaken by superior force a few miles south of the safety of the Canadian border, in northern Montana. There, on October 5, 1877, the history of the Nez Percé as an independent people came to an end. For the "hostiles," the capitulation began years of torment, poverty, exile, and broken government promises.

In the present work, Alvin M. Josephy Jr., book editor of *American Heritage*, has produced a remarkably able and well written synthesis of the voluminous literature concerning the Nez Percé. Not since the late Bernard De Voto's pen was silenced has this reviewer read a more absorbing volume on the West. The author displays a rare insight into Indian modes of thought and writes with a sensitive touch completely free of the sentimentality that has marred most previous works on the Nez Percé. This is tragic history. Almost no earlier writer has been able to avoid the use of the pejorative. Mr. Josephy lets his facts speak for themselves, and the reader puts down this volume with a high level of frustrated anger in his heart. The work is a must for every student of the West or of the American Indian. It should long be the standard in the field.

Howard A. Fleming, formerly chairman of the history department at San Fernando Valley State College, is now an associate dean of the School of Letters and Science in the same institution.

Frontier Port. By Don M. Stewart. (Los Angeles: The Ward Ritchie Press, 1965. 173 pp. $7.50.) Reviewed by Richard F. Pourade.

Anyone working in contemporary history must be constantly surprised at what people recall of their experiences and knowledge. The obviously important fact often is forgotten, and the unimportant but perhaps poignant incident vividly remembered. *Frontier Port* is this kind of a book.

Donald M. Stewart was born in San Diego in 1873, at the corner of First Avenue and A Street, when the population was about 2,300 or so, and he has lived in the same town all of his life.

Many of those years were spent in civic and political life. He has served as a member of the city council and a United States postmaster, among other things. If he bears the scars of the civic battles, which raged over the years in such rapidly settled frontier towns as San Diego, he conceals them well.

At ninety-three years of age, he looks back upon life to an era before autos crowded wagons off the streets and a volunteer Naval Militia stood ready to thwart mutiny on the high seas.

Mr. Stewart's memory is remarkably clear and to him it seems only yesterday, thought it happened in 1907, that he and his fellow members of the militia were summoned to board a ship to quell a mutiny of 1,200 Chinese who had been shanghaied at Harbin, Manchuria, and were being taken to Guyamas, Mexico, to help in building a railroad.

The reviewer had the privilege of reading Mr. Stewart's manuscript during his own research for the history of San Diego embracing the early 1900's with which the *Frontier Port* is also concerned.

There was little to add to the general story of what had happened to San Diego, of its unhappy civic mistakes and its happier public achievements, or as to who won out in the struggle between those who wanted to devote the bayfront to commerce and those who wanted it as the setting for the city beautiful.

He can still choose up sides over a long-forgotten civic issue, if pressed for his views, but he more happily and easily recalls "steamer day," when the coastal ships arrived; the town baseball team which played the Los Angeles team in the 1880's; the coming of the circus and its familiar street parades; and the Floradora Sextet recruited from San Diego girls in the 1890's and which went on to excite the audiences and grace the stages of the sophisticated East.

History is memory as well as chronology. *Frontier Port* is accurate in detail. It also is a memory of a life that is no more—and for all we know perhaps never really was.

The book is beautiful and handsomely designed and printed by The Ward Ritchie Press, with illustrations by Robert Weinstein. There is a foreword by Jerry MacMullen, former director of the Junípero Serra Museum in San Diego.

Richard F. Pourade, editor emeritus of the San Diego *Union*, is the author of the multivolume history of San Diego that is being published by the Copley Press.

I Protest: Selected Disquisitions of E. W. Scripps. Edited, with a biographical Introduction, by Oliver Knight. (Madison: the University of Wisconsin Press, 1966. 799 pp. $12.50.) Reviewed by Howard S. Miller.

During the years between his retirement in 1908 and his death in 1926, E. W. Scripps wrote some five hundred trenchant essays, or disquisitions, on various subjects. Although only a handful of his closest friends saw even a few of them during his lifetime, Scripps meant the disquisitions for the world. "I have secretly hugged the hope that I was really a philosopher and an original genius who would possibly, and even probably, produce at least some matter which would be of great value to the public" (p. 6). In this, the first collection of the journalist's writing, Professor Knight presents ninety-two disquisitions on the grounds that it is time to see whether Scripps was right.

E. W. Scripps once described himself as "A Damned Old Crank." In a critical, yet sympathetic introduction, Professor Knight portrays a man of monumental ego and explosive energy who fashioned the nation's first horizontal combination of newspapers, wire service, and news syndicate through shrewd manipulation and sheer force of will. A hard-nosed humanist, an autocratic reformer, Scripps insisted that all men must be either masters or slaves, and that he was no slave. He would willingly die for the common man, he said, but he would under no circumstances live with him. Though Scripps imbued his newspapers with a social conscience and a concern for intimate, human interest news, in his own personal dealings he was essentially humorless, imperious, petulant; in short, "a contrary old bastard" (p. 92).

Scripps was an "experimental" thinker. "He would take an idea just because it was an idea and develop it, simply to see where it would go" (pp.3-4). He did most of his experimenting—perhaps tinkering would be more accurate—in the areas of social justice, economics, politics, international affairs, and journalism. He often acted as his own devil's advocate, with the result that even Professor Knight is unsure whether any given essay reflects sincere conviction, troubled uncertainty, contrariness, or whimsy. Such "cultivated inconsistency" poses serious problems for the historian—problems of which Professor Knight is well aware. Yet, in his nearly one hundred sixty pages of introductory material, he never solves the riddle of Scripps' intellectual caprice. He implies that Scripps toyed with ideas for the fun of it. The disquisitions themselves suggest a deeply troubled man, fretfully searching for a philosophy of life. In all, Professor Knight is most successful in describing Scripps' temperament, and in providing vignettes of Scripps the editor, Scripps the country squire of "Miramar," Scripps the patron of oceanographic research, Scripps the newspaper tycoon.

Professor Knight has demonstrated that E. W. Scripps was a social thinker of power and insight, though not of particularly wide range of striking originality. This massive and attractively printed volume of disquisitions makes it clear that Scripps deserves a full and critical biography, one which Professor Knight hopefully will write. Only a well integrated study of thought and action will explain a man who said, and probably meant, that "My convictions, if such, vary with the condition of my liver" (p. 4).

Howard S. Miller, who received his Ph.D. in United States intellectual history at the University of Wisconsin, is an assistant professor of history at the University of Southern California.

Indian Police and Judges: Experiments in Acculturation and Control. By William T. Hagan. (New Haven and London: Yale University Press: 1966. 194 pp. $6.50.) Reviewed by Odie B. Faulk.

When Europeans first came to the New World, they found the land already inhabited, and each national group sought a solution to the problem of European ownership of the land versus Indian control. The Spaniards first tried to save their souls, but eventually turned to an inglorious purchasing of peace. The French sought to dominate them economically, and in the process their agents often became much like the natives themselves. The English and their successors, the Americans, came to regard the Indian as an impediment to "civilization," a stumbling block to be removed—even eradicated—as quickly as possible. As the winners in this race for empire, the United States, through its government, turned first to a policy of one big reservation in the West, then two big reservations, and finally to the policy of many small reservations. There the Indian would be forced to "take the white man's road," which in effect meant the same thing the Spaniards had intended in their missions: the Redman would be civilized, Christianized, taught agricultural pursuits, and made a citizen.

What many members of the Indian-fighting Army and functionaries of the federal government did not understand, however, was that in order to educate the Indian for citizenship and a place in the white man's world he had, at some stage in his education, to be given increasing measures of self-responsibility. Such officers and bureaucrats, at every step, fought allowing the Indian any measure of guiding their own destinies, deliberately hampering such efforts and always predicting dire results for every step in this direction, forgetting that these same Indians had evolved their own highly developed culture and civilization.

Dr. William T. Hagan, professor of history at State University College, Fredonia, New York, in this monographic study has ably traced the evolution of one aspect of the public recognition of the Indians as capable of self-government: the use of Indians as police and judges on their reservations. In the process he has punctured several egotistical claims to fame. For example, he shows that John P. Clum, boy agent to the Arizona Apaches, was not the first to employ Indian police with good effect, as Clum claimed. In addition, Hagan portrays the Indians as they were—men of courage, dignity, and a sense of justice. He shows that these Indian police and judges, although helping to impose an alien way of life on their own people, while receiving low pay, the scorn of their tribesmen, and a little support from their superiors, in the long run greatly aided the Indians' quest for a voice in their own destiny. When finally the reformers awakened the public conscience to the plight of the first Americans, the work of these unsung heroes had paved the way for almost total tribal self-government.

Indian Police and Judges is well researched and well written, a definite contribution to a neglected field of study. Almost every chapter would serve as an outline for a future work—on which, it is hoped, Dr. Hagan and Yale University Press will collaborate soon.

Dr. Odie B. Faulk, research historian at the Arizona Pioneers' Historical Society in Tucson, recently coauthored *Lancers for the King*, and is completing a history of the Southwest for Oxford University Press.

San Francisco's Reign of Terror. By John Myers. (New York: Doubleday, 1966. 301 pp. $5.95.) Reviewed by David A. Williams.

This latest interpretation of a much interpreted episode in San Francisco's past is likely to please few and thoroughly antagonize a great many students of California's history. Mr. Myers wields a trenchant pen with considerable skill in this frontal assault on the established version of the San Francisco Committee of Vigilance of 1856. From his title, *San Francisco's Reign of Terror*, through an opening paragraph which reads: "None of the founders of Europe's police states had been so much as born when the San Francisco Committee of Vigilance of 1856 patented the whole bag of totalitarian tricks," Mr. Myers leaves no doubt as to where he stands. Those who have imbibed deeply of the writings of Bancroft who dedicated his two volume *Popular Tribunals* to "William T. Coleman, Chief of the Greatest Popular

Tribunal the World Has Ever Witnessed," will react violently to this attempt to change the committee and its program into that of a police state. They will be equally enraged by Mr. Myers's charge that Bancroft's pen was a "paid-pen," hired by William T. Coleman to write a vindication of the committee. In similar fashion he attacks the integrity of others who have written about the committee, Josiah Royce and the brothers, John and Theodore Hittell, and Zoeth S. Eldredge. In each case, his attack on the work of his predecessors, is focused on the motivation which lay behind the pen. Mr. Myers should know that the reasons which underlie the writing of a book, often remain obscure. It would be far better for him to concentrate on the work of others rather than their motivation. An allegation of "paid-pen" comes with ill grace from an author of a popular work whose interest in sales and royalties may be safely assumed.

That the accepted histories of the vigilance committee deserve a challenging re-examination is obvious to serious students of the subject. Richard Dillion, for instance, pointed this out in a review of Robert Stewart's *Revolution in San Francisco,* a history of the 1851 committee of vigilance which appeared in *The Journal of American History,* LI, No. 3. My own research on the subject confirms the opinion of Mr. Dillon and the preliminary findings of Professor Richard Brown of the University of Rutgers who is at work on a history of vigilantism in American History, support this position. The standard works on the committees of vigilance tend to gloss over anything that reflects discredit on the committee and they uncritically accept the justification for a popular tribunal posited by its leaders.

Unfortunately for those who would welcome a dispassionate and objective account, this book is a disappointment in many ways. It is more a biography of Edward "Ned" McGowan, than a serious history of the committee. It is written in a breezy and journalistic fashion, it leans heavily on the writings of McGowan, and it tends to be a long pean of praise for the chief political figure the Vigilantes failed to bring to their improvised bar of justice. It is not footnoted in the usual fashion although some citations within the narrative and a bibliography shed a limited amount of light on the sources that Mr. Myers used.

The subject of sources is of considerable importance. In some respects, this book is one more concrete demonstration of the axiom that a historian is absolutely dependent on his sources. These determine in large measure, what a serious historian can write about the Vigilance Committee of 1856. Unfortunately, some of the most fruitful sources which could shed light on the environment which spawned the committee are no longer available: a case in point—the police and court records of San Francisco for the period. A much publicized fire in 1906 consumed the bulk of these records, consequently the historian who would determine the accuracy of the allegation that law and order had completely broken down in the city in 1856, finds himself facing an opaque wall. If the allegation is true, then the establishment of a popular tribunal by the responsible citizenry is justified to a degree. On the other hand, if the courts and police were functioning in a responsible manner, the usurpation of their powers by a group of citizens amounts to vigilantism in the classic sense—productive of many evils and few benefits to a democratic society.

Mr. Myers takes one position, most historians who have written on the subject take another. Unfortunately both draw heavily upon tainted sources—self-serving statements by individuals involved—which deserve a more careful scrutiny than they usually receive. One day, a meticulous researcher will undertake the arduous and painstaking work which is essential to the writing of a scholarly history of the San Francisco Committee of Vigilance of 1856. Mr. Myers' book may hasten the coming of that day by posing a number of provocative questions. Was crime so rampant, politics so corrupt, the police so maladroit, and the courts so venal as to demand the substitution of Judge Lynch for a rule of law in a great American city? A scholar will one day commit himself to answering such questions.

In the interim, collectors of Californiana will add this book to their libraries. Reading in it from time to time, will raise the blood pressure of some who cherish the established image of the committee; others will find it a provocation which demands a thoughtful review of the San Francisco Committee of Vigilance of 1856.

DAVID ALDEN WILLIAMS, the associate editor of the *Southern California Quarterly*, is an assistant professor of history at the California College, Long Beach.

The Great American Desert: Then and Now. By W. Eugene Hollon. (New York: Oxford University Press, 1966, 284 pp. $6.00.) Reviewed by William H. Wake.

The Great American Desert produces very mixed reactions because it is uneven in style and, unfortunately, in accuracy. The writing ranges from highly insightful and interesting to very pedestrian. The author's fine reputation as a historian is well borne out, and his love of the area he writes about, breadth of knowledgeable interests, and insights into man's use and misuse of the dry lands are remarkable and evident.

Unfortunately Hollon's capabilities as a physical geographer do not equal his competence as a historian and anthropologist, and he failed to consult any geographers or other physical or biological scientists although Chapter I ("What is the Desert?") delineates the desert area as he sees it and discusses the physical environmental features that comprise it. He did consult several historians, whose review of the manuscript he had much less need of because of his own expertise.

Hollon's enthusiasm for the arid lands, reaction to past vitriolic rejection of application of the term to patently desert areas, and the influence of his mentor, the late Walter Prescott Webb, another fine historian, lead him to include tremendous areas of semiarid steppe lands and even the thousands of square miles of humid western mountain forest lands. Equally serious, he almost completely, and admittedly, ignores some of the largest and driest areas in the United States, the Pacific Coast states interior lowlands. He several times confuses cause with effect in discussing the desert environment. The desert landscape results from climatological patterns modified by landforms and the interactions of plants, soils, fauna, hydrology, and human occupance. The native grasses do not "[hold] the desert in check like a magic girdle (p. 4).

Bibliographic citations for Chapter I tend to be either overage or superficial and nonauthoritative popular magazines. The major exception is a recently published geography text (not monograph) on human, not physical, geography written by a very competent human, not physical, geographer.

Illustrations have been selected with care and skill so they are meaningful in developing knowledge and understanding of the dry lands as well as attractive. Unfortunately the book is marred by several serious typographic errors that should never have escaped the proofing process.

If the Introduction and Chapter I were rewritten, it would be possible to recommend *The Great American Desert* almost without qualification. Even as it stands, the book has considerable value for geographers, conservationists, anthropologists, businessmen, and others as well as for historians and that amorphous group of enthusiasts who properly appreciate the vast sweeps of the desert panorama.

William H. Wake, formerly on the staff of the Bakersfield Center of Fresno State College, is now assistant executive secretary of the Association of American Geographers.

The California Gold Discovery: Sources, Documents, Accounts and Memoirs Relating to the Discovery of Gold at Sutter's Mill. By Rodman W. Paul. (Georgetown: Talisman Press, 1966. 237 pp. $10.00.) Reviewed by John W. Caughey.

The latest fad in education, newer than the new math, is Research and Discovery. Teaching history that way, one would avoid anything so thought-out or organized as a textbook. Instead the idea is to ply the youngsters with an assortment of testimony, first hand and second hand and the more discordant the better. With this data, each youngster, acting as his own historian, will arrive at his own conclusions.

Rodman Paul's meticulous assembling on the great gold discovery obviously had higher purposes but calls to mind this newest approach to history. In part this is because he is cautious about drawing conclusions and mainly because his book is a ready-mixed package for R. & D. study. He includes every scrap of contemporary or near contemporary record on the discovery: the Bigler diary, Azariah Smith's journal, the New Helvetia diary, a college of newspaper accounts, and ten or a dozen early letters. To them he adds a score or more of reminiscent or retrospective accounts set down within the next one to fifty years. That his gleanings are reasonably complete is indicated by an index entry under "Marshall, John."

As all who have concerned themselves with this subject are aware, this testimony ranges from doubtful in pedigree to fragmentary, cryptic, and implausible. The sum is a neat example of the evidenciary chaos which all too often is the stuff of history, particularly as concerns unscheduled events for which large consequences are not immediately apparent.

Without spoiling the game, Paul analyzes and correlates the several testimonies, offers tentative interpretations, and outlines possibilities that additional bits of testimony may yet come to light in Utah or Oregon or, as with one of the last, in a New Jersey attic.

To what is already an intriguing exercise book, Paul adds one more section. He sets forth the solutions as worked out by several pupils of varying gifts and abilities, whom we may call Hubert, John, Winfield, Anon, Will, Philip, Aubrey, Irwin, and William. Not all reach the same answer; in fact, there is wide disagreement. That may suggest one or two failing grades. But in Research and Discovery, as in the new math, getting the right answer is not so important as knowing how to do it.

Good teacher that he is, Paul tells us how to proceed with the testimony and evidence available but stops short of an all-encompassing answer.

His annotated compendium presents a fascinating problem in the assessment of historical evidence and many insights on early Californians and California historians.

John W. Caughey, an authority on the Gold Rush, editor of the *Pacific Historical Review,* and professor of American history at the University of California at Los Angeles, has recently coauthored *The Land of the Free.*

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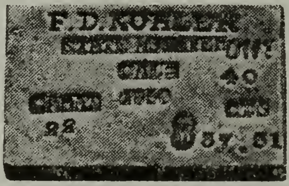

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New Data on the Buildings of Mission San Francisco

By MAYNARD GEIGER, O.F.M.

THE PURPOSE OF this article is to trace the history of the various churches built at Mission San Francisco between 1776 and 1791, then to give in summary the development of other mission buildings in connection with the churches and, finally, to throw additional light on Dolores' submission or asistencia of San Pedro y San Pablo then located in what is now the city of San Mateo.

Mission San Francisco popularly known as Mission Dolores was the sixth mission to be established in California, the official date of its founding being October 9, 1776. Throughout the Hispanic period starting with Palóu himself in his *Noticias: Relación histórica* and his early annual reports, he invariably gives that date as the founding day. In the registers he inscribed he states, however, that the mission was begun (*comenzada*) on August 1. He refers there to when building started. Only on October 9 was the cross erected, and the mission declared formally founded.

When the Franciscan historian, Zephyrin Engelhardt, wrote his *Mission San Francisco or Dolores*—published in 1924—he lacked the annual reports prior to 1794. A significant number of those annual reports are now available, they having been discovered in the Archivo General de la Nación, Mexico City. As a result, certain statements in Engelhardt's volume wil[illegible] be revised while a number of gaps will have to be filled i[illegible]

Annual re[illegible] 1777 are still missing though t[illegible] period in building emerged in 1786. The [illegible] program [illegible] December 31 of the same year, signed by Pedro Benito Cambón ([illegible]co[illegible]mander of Mission Dolores), reveals that adobes were being manufactured in significant numbers, about two-thousand having been made "to continue building in the spring of 1787."[8]

For 1787 there are two reports, the first dated June 30, the mission from the beginning. This latter information together with what Palóu gives in the two above-cited works are a satisfactory resume of the mission's earliest period.

The expedition for the founding of San Francisco's presidio and mission arrived at the Laguna de los Dolores on June 27, 1776, and there made an encampment. The first Mass was celebrated on the 29th in a brush shelter. The *San Carlos* under the command of Captain Fernando Quirós, arrived at the port on August 18. Before the end of July the main body of settlers left the Dolores encampment for the future site of the presidio which was then constructed and dedicated on September 17.

Palóu states that "as soon as we found ourselves alone,"[1] that is, after the departure of the main body, he had his servants cut timber which they transported to the mission site. Meanwhile, Captain Quirós told Palóu that he could proceed with the building of the mission because presidio and mission were not too far apart and there were sufficient guards to protect both. With the aid of sailors lent by Quirós and of Palóu's servants, building began.

A chapel with its sacristy, 18 varas[2] in length, and living quarters for the padres, 10 by 5 varas, in palisade or log cabin style were built. Around these was formed a stockade for protection. Corrals for the cattle were constructed. Palóu blessed this church on October 3, said Mass therein on the 4th, the Feast of St. Francis of Assisi, and waited for the return of Lieutenant Joseph Joaquín Moraga, who had gone on an expedition to the East Bay area, for the dedication and formal opening. This occurred on the 9th. Shortly thereafter an aqueduct was built and the fields began to be sown and irrigated.

The original mission was not loca [illegible] at the present site but about
400 varas or 1,100 feet to the e [illegible] se to the laguna itself.[3]
This lake occupied abo [illegible] en Guerrero and
Howard, Fifteenth a [illegible] e mission re-
[illegible] d until its tr [illegible] his report
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In the report for December 31, 1782, Palóu was able to describe what had been accomplished during the year. The new church was finished. It was 25 varas long and 6 wide and was built of the same material as the original church of 1776, of palisade. The new living quarters were adjacent to the church and all buildings had been formed into a quadrangle, all of palisade construction. From the baptismal register we learn that the cornerstone had been laid on April 25 of that year.

In the following year, as he reports on December 31,[6] Palóu made a substantial decision. He moved the site of the mission about 400 varas to the west (the present site) retaining the same plan as at the earlier site. Meanwhile, he had laid the foundations of the present mission church, 40 varas by 8. It was to the side of these foundations that he moved the mission. There too he built a provisional church, 30 varas by 7 1/2, again built of palisade and plastered with clay. This church had three altars and its sacristy.

Thus by the end of 1783, three churches had been successfully built and the foundations of the fourth laid. After nearly seven years only a single adobe building had been erected, perhaps because lumber was more readily available. The reason for the removal of the mission's site appears to be that the earlier mission stood on valuable agricultural land, scarce in the area, for upon the removal, Palóu declared that the land available for agriculture was then doubled. The adobe building, 25 varas long, is mentioned in the report of January 7, 1784. Its use was not designated. It is interesting to note that roof tiles had not yet been manufactured.

Reports for the years 1784 and 1785 are lacking. Palóu returned to Mexico in the latter year leaving from Monterey on the *Favorita* on November 14.[7] Therefore, while Palóu was the founder of Mission Dolores and laid the foundations of the present mission church, he never saw the mission in its final form.

A new period in building emerged in 1786. The report of December 31 of the same year, signed by Pedro Benito Cambón (co-founder of Mission Dolores), reveals that adobes were being manufactured in significant numbers, about two-thousand having been made "to continue building in the spring of 1787."[8]

For 1787 there are two reports, the first dated June 30, the second December 31. Both describe a disaster that befell the mission in the form of a violent wind with hurricane intensity. This occurred on January 14. The wind blew nearly all night with the result that it demolished a significant part of Palóu's third church of palisade with a number of its interior furnishings. "*La echó toda por tierra*"[9] (It was thrown entirely to the ground) is the succinct description. This church, however, was rebuilt and strengthened and was re-dedicated that same year on Holy Thursday.

Cambón states that the church was given a covering of *tepestle*[10] bound together with poles which were plastered, the interior whitewashed entirely while two layers of tule covered the roof. The palisade walls were strengthened by twenty-two forked poles of thick, finished redwood which were then plastered and whitewashed. Likewise the facade of the church was rebuilt (it had been of adobe—this was not mentioned in earlier reports) and additional adobes added to strengthen the windows.

Whether this repaired church should be considered a fourth church at the mission depends largely upon the extent of the damage done to it. Cambón does not say that actually the walls were thrown down even though his phrase "*la echó toda por tierra*" would seem to indicate the destruction of the church in its entirety.

In 1788 work began on the new adobe church (the present one) under Cambón. Already in the semiannual report of July 1, he states that during the first half of the year the foundation of two sacristies were laid, one on the Gospel, the other on the Epistle side, and added that three buttresses of four tercias[11] square served to strengthen the sections of the new church. The adobe walls of the church were built sufficiently high above the ground to protect them from dampness. The church, 41 by 8 varas[12] had risen to a height of about 2 varas. The thickness of the walls measured a little more than 1 1/3 vara.

At the front of the church, the foundations laid by Palóu were widened by 2 2/3 varas. Then on either side of the main door for a distance of 2 varas, two steps or gradines were constructed and upon these four columns were erected which projected from the wall by 1/3 of a vara. This was done, said Cambón, to give them greater firmness.

Cambón stated that he hoped that these columns would sustain their cornice and capitals.[13]

Adobes began to be fashioned on April 4, 1788, with the result that by July 1, twenty-six thousand had been manufactured. The padre stated that actually thirty-six thousand would be needed to complete the church. Workmen had been engaged for two and one-half weeks in the sierra cutting timber and the greater part of this had already been transported to the mission. This timber was to be used for the support of the church's roof.

At the end of 1788 Cambón reported that "the new church about which information was given in June of this year has risen as far as the roof which we were able to cover before the commencement of the rainy season."[14] The church was 8 varas in height, the same measurement as its width. On the north side it had three windows, but on the south side it had *none* because it was more exposed to rain and wind. For the protection of that side a very capacious corridor was built.[15] The sacristy on that same side was likewise strengthened by this corridor. The sacristy on the north side which had risen only to the height of 2 varas received a temporary covering since the padres could not finish it in time for they had to take up the work of sowing the fields.

At the end of 1789, Father Diego García and Father Faustino Sola (brother of Governor Vicente de Sola) signed the report stating that the old church was still used, that it had suffered no depreciation, and that the new church was "in the same state as described in the previous year. *It is not yet finished.*"[16] During 1790 the missionaries, Cambón and Antonio Dantí report that the *azotea* and walls of the church were plastered, that the former and part of the latter were whitewashed, and that the sections above began to be painted before the scaffolding was taken down. "Work was done on it to finish it as soon as possible."[17] Finally, in the report of December 31, 1791, Fathers Martín de Landaeta and Dantí stated that the final mission church was dedicated on August 2 of that year. No details of the ceremonies are given. Engelhardt who did not have the above-mentioned document opined that the dedication took place on April 3.[18] During the years 1794 and 1795 the church roof was covered with tiles.

From this new material it will be seen that in the course of building up Mission San Francisco, four (possibly five) different churches were constructed, three of them (four?) of palisade, the final one of adobe. This period of building extended over a period of nineteen years to bring the mission church to the perfection it finally received. Palóu built the first three churches and laid the foundations of the final one. Adobe making on any scale started only in 1783 and roof tiles in 1794. The building up of a mission was a long, slow, tedious task.

Turning now to other buildings distinct from the church, we find that by the end of 1778 the compound consisted of the living quarters of the padres and the servants, a kitchen, a granary, and monjerio, all of which occupied an area of 60 varas or 165 feet. A garden and threshing floor had been enclosed, an outlet for water constructed, and two irrigation ditches built. The second ditch or aqueduct was one vara in width and from one to three varas in depth. The aqueduct from where the water originated to the place where it joined the second, was 1,100 varas or 3,025 feet long. A third ditch was under consideration.

In 1781, a *pozolera*[19] containing two rooms and a large building containing five rooms—the quarters of a servant and several Lower California Indian helpers—were constructed. In 1783 the mission site was changed 400 varas to the west.

During that year the mission took the following shape: the wing of the quadrangle joining the church was built. It contained five rooms, one of which was the reception room, two living and bed rooms for the padres, a larger room for guests, and another large room for storage. In another wing (probably parallel to this front wing) a *pozolera* with adobe ovens, a workshop, smithy, a kitchen with an adjoining workroom, a wash room, and a hennery were constructed. In the center of the quadrangle there were four rooms, one a storeroom, another a *monjerio*, a third containing looms, and a fourth for the storage of wool. Then there was a large house (*casarón*) for two servants and three Lower Califoria Indians. The fields and gardens except one, were to the east of the mission. The other garden was next to the mission separated only by the Camino Real that ran to the presidio.

In 1787 the great wind of January 14 ruined a number of buildings of the quadrangle including the smithy, carpenter shop, and storerooms. These were torn down and rebuilt, these forming a right angle with the church to the rear. Also an adobe house with two rooms, each 13 by 6 varas, was built. All other buildings were still of palisade with roofs of *tepestle* and *zacate.* The patio had its corridors of palisade. This patio measured 30 varas from east to west and 24 from north to south. In 1788 a large earthen dam was built in a *ciénega* and an irrigation ditch repaired.

In 1789 the east wing, meeting at right angles with the church, was finished. It contained the following sections: a room 6 1/4 by 6 varas next to which was a *zaguán* or large gate with double doors which connected with the living quarters. Then followed a room, 6 by 6 varas, which was a store room. The church occupied the south wing. The west wing contained a sacristy already half finished in the previous year, followed by a smithy, 6 by 6 varas, then a kitchen of the same size, a guest room, and a refectory 7 by 6 varas. The north wing had an opening to connect it with the patio of a second cloister, next to which was a room, 19 by 6 varas, a storeroom and workshop. Steps leading to a loft in the storeroom were fashioned. By the end of 1789 the padres wrote: "The principal cloister is finished." It was 26 varas or 781 feet square.

In front of the living quarters three rooms were built, one a storeroom, 6 by 5 varas, a *pozolera,* 8 by 6 varas, and a room for the young men and boys, 12 by 6 varas. In 1790 two rooms were constructed 1 vara in thickness and 3 1/3 varas in height, one measuring 13 by 6 varas with an alcove which was for the use of a Lower California Indian and his family, the other 19 by 6 varas which was the carpenter shop. The blacksmith shop was moved next to the *pozolera* to avoid the danger of fire to nearby buildings. A cook stove was constructed for greater safety.

In 1792 two corrals with adobe walls were fashioned, a house 13 varas long for the mission guard, while another, 59 varas long appeared and which was divided into six rooms. Its purpose it not mentioned. In 1793 nineteen houses for neophyte Indians were built of adobe. Also a house for grinding wheat was put up. In 1794 a storeroom, 63 varas long and 8 wide was built contiguous to another storeroom and both were roofed with tile. An aqueduct half a league long (over a mile) was constructed to lead to the pasture.

In 1796 twenty more houses were built for the Christian Indians as well as houses for the soldiers together with a room 50 varas long for servants and for use as a workshop. The quadrangle was finished in 1798.[20] In 1800 a bath house was built and 9 more neophyte homes constructed. They were of adobe, roofed with tile, and measured 7 by 3 1/2 varas. In 1801 twelve more such dwellings, in 1802 seventeen additional ones and in 1811 eight other houses for Indians were built. This is as far as one may be served by the documents from Mexico and from the Santa Barabara Mission Archives and the few items in addition noted by Engelhardt.[21] The only other building noted between 1811 and 1832 is a building of stone and mortar constructed in 1820 for the storage of pelts and leather.

The third item calling for attention is the asistencia of San Pedro y San Pablo which may be looked upon as Mission San Francisco's breadbasket. The padres declared that without it they could not have provided for their neophytes, and the maintenance of the mission."[22] The most pressing need at the mission was sufficient agricultural land. It was Palóu himself, who in 1785 before leaving for Mexico, founded this agricultural outpost, 15 leagues southeast of the mission and gave it its name. There he placed a number of Indian families as resident farmers.[23]

This place is first mentioned in the annual reports of Mission San Francisco in 1786 where it is called "la nueva labor de San Pedro y San Pablo."[24] In that year a storehouse, 25 by 6 varas, was built. It had three windows and as many grates. Also a chapel, 10 1/2 varas in length, a room for gear and implements, 6 by 3 1/2 varas, and two other undesignated rooms, 7 by 6 varas each, were constructed there. All were whitewashed with lime and there was a corridor. These buildings formed two wings at right angles to each other. Another room, measurement not given nor purpose described, probably separate from the above, was built. In the center of the forming patio stood a wooden cross 10 varas high.

By June, 1787, a room of plastered palisade, 6 by 5 1/2 varas, was built for the missionary, who came from San Francisco to conduct divine services for the Indian families and another small room for gear and a kitchen, 10 by 6 varas, were added. These formed the third side of the quadrangle. The area under cultivation was 2,411 varas in length or 6,630 feet. It was hedged in by willow trees. The land was also enclosed at the north end. The south and east end of the farm did not need such protection since they were sheltered by hills. An irrigation ditch supplied water. By the end of the year additional land was opened to agriculture and various drainage canals were constructed. The protective hedge of willow trees was extended to the length of 3,000 varas or 8,250 feet, and for 11 varas at the north end. A garden was commenced in which were planted peaches, quinces, and grapes.

In 1788 two adobe houses, each 6 varas square, were built but they were not finished when the year ended. The hedges were strengthened. In 1789 on the south side of the quadrangle a storage room, 41 by 6 varas, was built; on the east, two rooms, each 6 1/4 varas in length, were constructed one for the visiting missionaries, the other for the majordomo. The large entrance to the patio (*zaguán*) was being used temporarily as the kitchen. The walls of all the above-mentioned buildings were of an adobe and one-half vara in thickness. The same report states that wheat, barley, beans, peas, lentils, and maize were grown at the *asistencia*. In 1790 a large irrigation ditch about 500 varas in length was built. It is described as wide and deep. This is the last available report with regard to building and produce at San Pedro y San Pablo. It is clear from this data that this mission farm was an important factor in the economy of Mission San Francisco and that it was the first known farm in what is now San Mateo County.

In 1944 Frank Merriman Stanger published his article " 'The Hospice' or 'Mission San Mateo' " in the *California Historical Society Quarterly*[25] accompanied by a drawing of an old adobe sketched by William H. Dougal on July 27, 1850, which bears his inscription: "Mission San Matteo. Old Granary." Near the granary is another adobe building (but separated by an opening quite wide) roofless with walls partly demolished. This granary was torn down in 1868 and stood where Baywood and Baldwin avenues intersect El Camino Real in San Mateo.[26]

Like Engelhardt, Stanger did not have the documents of Mission

San Francisco for the early period and consequently was forced to use a more circuitous route to prove his point. He gave the affirmative and negative arguments on the matter. He cited the inventory of 1835 when Mission Dolores was secularized wherein "Rancho San Mateo" measured 41 by 13 varas or 112.75 by 35.75 feet. This fits in partially with the description of the storage room built in 1789. Both give the same length but for the width there is a difference of 7 varas. The drawing of 1850 shows a double story or at least one story and one-half whereas no mission document mentions a building of that height. The inventory of 1835 also mentions a "house in ruins" of adobe 27 by 7 varas. In 1786 a storehouse 25 by 7 varas was built. In the drawing of 1850 there is a wide opening between the two buildings which may have been the *zaguán* referred to in 1789. With regard to the location of this former rancho the buildings being close to San Mateo Creek[27] and about nineteen miles south of Mission Dolores, they well qualify for the locale given them by Palóu, namely, about four leagues. With some variance allowed for discrepancies in measurements at different times and for the fact that some of the Dolores Mission documents were still missing, these adobe buildings sketched in 1850 may very well have been the remaining ones of the asistencia de San Pedro y San Pablo.

NOTES

1. Herbert E. Bolton (tr.), *Historical Memoirs of New California* (Berkeley, 1926), IV, 132.

2. A standard Spanish vara is 2′ 9″.

3. "Annual report of 1783," *Misiones de la Alta California,* 2a serie, Tomo 2, Archivo General de la Nación. (Hereinafter *Misiones,* AGN.)

4. See map in Zephyrin Engelhardt, *Mission San Francisco or Dolores* (Chicago, 1924), p. 168.

5. *Misiones,* AGN.

6. See note 3.

7. For details concerning Palóu's departure from California see Maynard Geiger, O.F.M., *The Life and Times of Fray Junípero Serra* (Washington, 1959), II, 393-395.

8. *Misiones,* AGN.

9. *Ibid.*

10. A layer of soil formed into a malleable mass used for building purposes. At times also called *tepestate.*

11. A *tercia* is one third of a vara.

12. The report of 1783 gives the length as 40 varas.

13. Here Cambón is describing the façade of the present mission church which can easily be followed by having recourse to a photograph. The façade then is Cambón's contribution to the mission.

14. *Misiones,* AGN.

15. See the drawing by Capt. William Smythe where this corridor is clearly drawn and is seen running along the entire south wall of the church, its roof forming one with that of the church roof. Smythe was a mate on the *Blossom* in 1826 and made the drawings used in Alexander Forbes' *California* (London, 1839), opp. p. 211.

16. Italics are the author's.

17. *Misiones,* AGN.

18. Engelhardt, *Mission San Francisco,* p. 117.

19. The place where the *pozole* or gruel was cooked.

20. This was the second quadrangle.

21. Engelhardt, *Mission San Francisco, passim.*

22. *Misiones,* AGN.

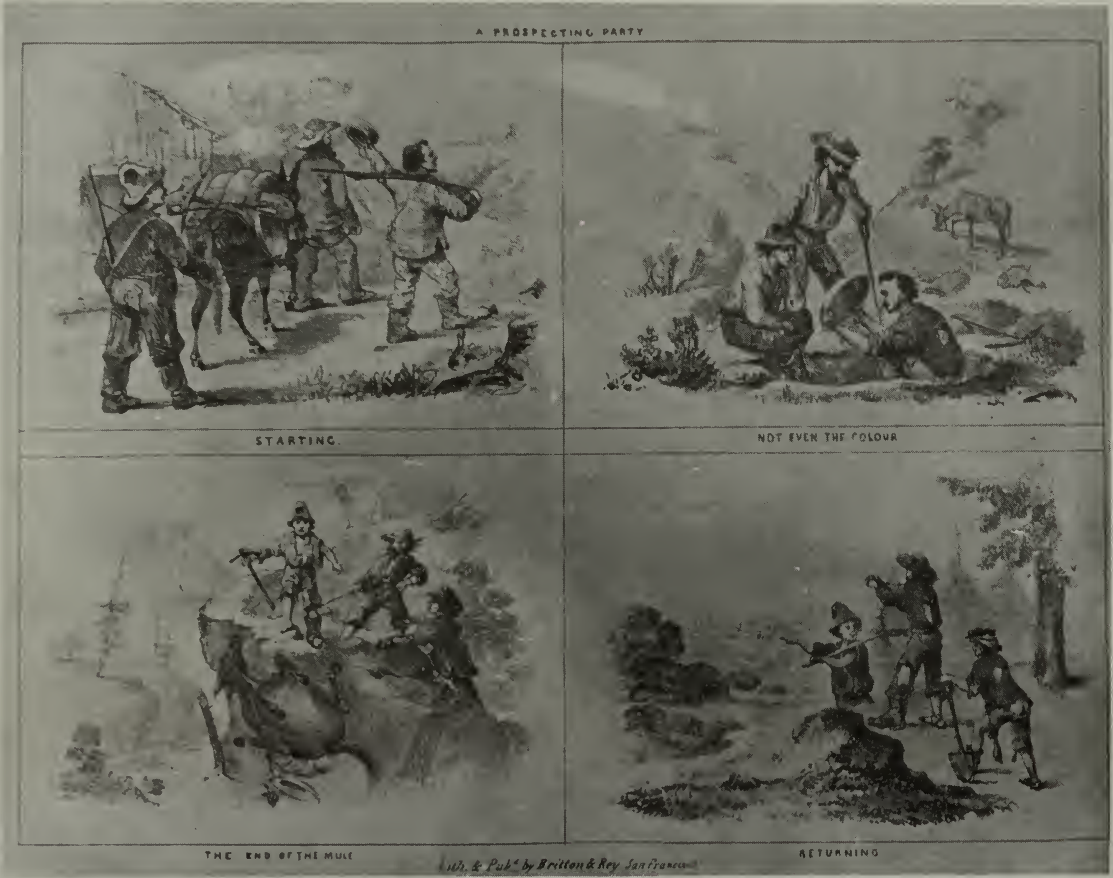
23. See Geiger, *Life and Times of Fray Junípero Serra,* II, 393-394.

24. *Misiones,* AGN.

25. XXIII. (September 1944), 1-12.

26. Map on p. 1, " 'The Hospice' or 'Mission San Mateo,' " *CHSQ,* XXIII.

27. The San Mateo Creek is mentioned in the diaries of Anza and Font in 1776.


A PROSPECTING PARTY
STARTING.
NOT EVEN THE COLOUR
THE END OF THE MULE
RETURNING
Lith. & Pub.d by Britton & Rey San Francisco

Courtesy of Wisconsin State College, River Falls.

A Copy of a Gold Rush Letterhead on Which Miners Wrote their Letters.

"I Take This Opportunity to Inform You...": The Gold Rush Letters of Andrew Cairns[1]

Edited by JAMES T. KING

THE HISTORY OF the mining frontier hardly lacks for documentary records of the California Gold Rush. Many of those who were attracted by the golden lure related their stories in diaries, in journals, or in letters to friends at home, and a substantial number of these have found their way into print. It would be impossible to find too many of these documents, however, for each of them brings to the reader and the historian something more of the immediacy and the excitement of personal experience. Thus the letters following these introductory paragraphs take their place among similar records of an epoch which has become a part of the American legend.

The letters of Andrew Cairns are not those of a well-educated man. Nevertheless, they are written straightforwardly, with some insight, and with a certain rough eloquence. The editor has made no attempt to change the spelling or grammar except in those cases—which are indicated by brackets—where it is necessary for coherence.

Cairns was born in New York State. Not yet out of his twenties in 1850, Andrew was still a young man when he decided to go to California. His family was not wealthy. Indeed, it took some hard scraping to collect enough money to send young Cairns to the West: "we helped Andrew to a good [d]eal of money before he went away," wrote his brother Robert; "[we] took notes and book ac-

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counts to betwene two and three hundred dollars in small amounts scattered far and wide."[2]

Robert Cairns, incidentally, had his doubts about the project. Although he was willing to help his brother, he frankly declared himself "not in favor of Andrews perrelous undertaking." But there was no stopping young Andrew. Influenced by those whom Robert grudgingly acknowledged to be "men of intelegence and enterpris[e]," Andrew had already given up farming. He had mustered a little cash and a great deal of audacity, and he was eager to go.[3]

The counsel given Andrew Cairns was not much different from the ideas of many who were influenced by gold fever: "a man has but once to Di[e]," so Robert quoted them,

> and if a young man go[es] there [to] get welthy in two or three years it is better to indure hardships for a few years than to spend a Long life in hard labor [,] obtain a living [,] pay his debts and lay up a thousand or two for old age . . . [and be called] a good fellow.

Further, wrote Robert to his brother George, "it is generel opinion that Andrew is the rite man to go"; his friends in the small settlement of Egypt, New York, had "verry little dout of his success as he is rug[g]ed[,] a good age and of very temperate habits."[4]

Andrew arrived in New York City in June, 1850. His departure for the voyage to the West was delayed for almost a month, however, when he purchased a counterfeit steamship ticket. "The scamp" who bilked Andrew "oiled him most butiful[ly]," noted Robert, but young Cairns suspected that all was not well and quietly notified the police; "the varment never mistrusted anything till the officer had him secure."[5] It was just as well that Andrew was delayed, for the ship he was supposed to have taken evidently was one of the many leaky old hulks that were pressed into the burgeoning California service[6]—Robert soon read in the newspapers that "she is laid up on the ismus [and] pasiongers and crew deserted her."[7]

Cairns had a choice of the three possible routes to the gold fields—overland, which was slow and arduous; around the Horn, which was more comfortable but was also slow; or via the Isthmus of Panama, which was difficult but was the quickest of the three. He chose the Isthmian route. Upon his arrival in Panama he wrote the first of his series of letters. The rest were written from California, and they record a familiar pattern of optimism and enthusiasm, then bewilderment, and finally, several years later, discouragement and defeat. But in Panama, as his adventure began, the future must have seemed bright indeed.

The Letters of Andrew Cairns

Panama July 25th 1850[8]

to Wm Cairns sur I take this opertunity to inform you of my adventurs on the rode to this plase I saled from Newyork on the 8th July after a plesent passage of nine days we landed at Shagres [Chagres][9] after a goddeal of bustle myself and three others chartered a canoo and 2 nativs to row us to Cruses [Cruces][10] we paid the nativs ten dollars each we was 3 days on the river I staid in Cruses one day then I chartered one nativ to carry my bagage to Panama for $6

I traveld on foot I arived at Panama on the 23rd of this month

I was on the rode 2 days from Cruses to Panama[11] I have enjoyed good helth sence I left home when I arived here the Stemer tennesee[12] had not arived the prospect was was [*sic*] for us to stay in panama at least one month there was about 300 Charakee [passengers waiting] for the Tennesee for 2 days all was confusion we was roming up and down the streets some was for mobing the agent Others was for calling a meeting of the American cittizens for the perpus of publishing Howland and Aspinwas [Aspinwall] and Co[13] throughout the United Stats as being D raskels who would not leave old Orange[14] to be humbuged all the way to California things is now quiet I hav changeed my tickit for a tickit on the steamer Northerner[15] in Howard and suns Line[16] nereley all the Charikee passongers changeed there tickits for tickits on the Northerner and Republic[17] I shal go on bord tomorrow

if the agent dose not lye we shall sale on satureday 27th there is about 500 pasingers in panama there is 4 steamers in port now the helth [in] panama is good jenerly the senery on the sheges [Chagres] river is a Splended one the orang the lemon and allmost all the tropical fruts grow down to the watters edg[e] for anything I can see [it is] a helthy cuntry panama is an old sitty the church bells is continuly ringing to call siners to repentence there is some of the most splended cathedrels i ever saw all going to ruins there is Catholic mee[t]ing here evry hour day day [*sic*] and night this is cald the rany seeson but it has not rained but very little sence I hav been on the ismus

I found the rode from crusus [Cruces] to Panama much better than I expected

it has been a paved rode[18] but is broken up in some places

all the horalle [horrible?] storeys that you here comes from the young docters and clerks but sofar as rods is conserned the lumber land rodes will equel these

as for helth this is a paradise compared with the momee [Maumee] and Wabash rivers I will write when I get to Californy no more at present

A W Cairns

A Coppy of A letter from Andrew W Cairns [in hand of Robert Cairns] now in California[19]

California september the 1 — 1850

To Mr William Cairns sir having arived at my Journys end I take this opertunity to in form you that I have enjoid good helth sence I left home I left panama on the 27 of July in the steam ship northerner

we had 3 deths on bord between panama and acapulco where we berried them we staid two days at acapulco to take on cole and water the colery [cholera] was raging at this place some ten or fifteen deths per day we had a plesant pasage and landed at sanfrancisco on the 15 of august sixteen and a half saling days from panama the quickest time that has yet been made by a steamer[20] I staid at sanfrancisco one day

I then took pasage for sacramento where I arived safe sacramento is one of the bigest sittis that I ever saw of one years groth but not the sivelest [i.e., not the most civil] I found the sitey was under marshel law[21] solgers was marchin up and down the streats to the tune of yankey dudle and such a dust you never saw as they kicked up I understand the disturbence originated betwene the squaters and speculators t[h]ey had a setoo and severl lives was lost on both sides it seams the spe[c]ulaters wont the squaters to leave there clames which they refuse to do so they undertook to drive them [out] and this brought on a row from the best information I cood get concernin the mines the middle fork of the american river was the ric[h]est digens I determined to visit that place I packed my bagage on one of the market wagons and Journed up to the placers[,] a distence of fifty miles[,] where I came to browns bar[22] but fiindin miself very week I thought I wood take a tramp up and down the river but not lickin [liking] the river digins I took a tramp in the dry digins I past through green wood vilage[23] whare there is very good digins but a [s]carsety of water I then went to george town digins here[24]

I lerned the location of the much talked of big and rockey bar mining compeny[25] I made up mi mind to viset that place so erley in the morning with my blanket[,] shovel and pan and a lofe of bred under my arm I set sale for big bare[26] after traveling over some of the mountains you read of a distence of twenty-five miles from george town I arived there about sunset but what do you think I saw [not] mountans of quorts rock worth fore dollars per pound and splended mashenrey to grined up but insted of this no mashenrey and wat is worse thare is no quorts rock in sight

thare is no gold or but very little in rockey bare I understand the president and secertary has determined to extend thare clame down the river a little farther and to increase ther capitel to one million of dollars for which purpes they have returned to the states so look out thare˙ it is all a humbug I thought I wood work mr pelton share[27] in the rockey bare but I cood not see a chance for gold so I shaped mye corse down the river content to leave the rejected bar for no one stais and work[s] more than a day or two it is becoming very sickley in the mines I have not commenced work yet but shal commence this weak somewhare on the midle fork of the american river no more at p[r]esant

I remain yours
Andrew W Cairns

Direct your letters to sacremento sittey

California January 3 the 1851

To mr William cairns Dear sir I take this Opertuneity to in form you that mi helth is good I have never injoid better helth than sence I came to california the helth of the miners are generly good but notwithstandin thare is a good many sick the principel diseas is the diare and disentary the colery has introdust its-self in to the mining district and all most every case proves fatle it has abated som of late I have bean mining sence the midle of september in what is cold the auburn reven [ravine] or auburn dry digens[28] and dry enouf it has proved for thare has not [been] as much rain fell hear as thare is generly folls in orange county foll and spring it is now the 3the of January and thare has not [been] a cloud to be seen for the last fore or five weeks many have bean imploid for the last fore or five months throwin up dirt to wosh but no rain has com and if providence dos not smile on them soon they wil lose there labor I came to the land of ofier [Ophir][29] intending to spend the winter here so I bilt me a hous 7 by 9 to live in

it is situateid about a quorter of a mile from the vilige of ofir [Ophir]

this has growin up like a mushroom when I came hear the middle of september it had only two trading tents now it has about forty stores[,] ten or fifteen gamblen saloons and about fore thousand inhabitents the miners have been leaving heare for the river for the last two weeks in concequence of it being so dry that they could not work the side reviens

I have got all the nesesarys of a california life it is astonishing how litle a person wonts in this country I am keping hous in california stile mi house is 7 by 9 with a canvis roof my furnertur consist of a camp kitle[,] friing pan[,] coffey pot[,] a knife[,] forke[,] a tin plate and a spoon with one days provishin a head [which] is all that is nesesary to keep bachlor hall in california but the worst of it all is I have to be mi own cook and wosh woman if it does not rain this weak I shal leave I gus not [naught?] but sholder all that binds me to the land of ofier and start for the river if I leave hear I think I shall go to the american river or som other place whare thare is a better prospect for mining than thare is here I have not made much yet but the experience I have gaind will be of som youse to me hearafter I think the day is past in california when large fortuns will be made in a short time the surfis gold or nearly all of it has bean gathered we have to dig deaper and to do a grat deal of hard work for A less quanty of gold[30] but as gold grose more scarse porovisin [provisions] grose more cheep I am told that provisin of all kinds was a dollar a pound hear last winter but thay can be bought for much les know pork is $\overset{\text{cts}}{25}$ beaf the same ham $\overset{\text{the}}{40}$ potatos $\overset{\text{cts}}{25}$ beans $\overset{\text{cts}}{40}$ tea $1,75 coffy $1.00 onions $1.00 salaratus $1.00 buttor $1.00 flower $\overset{\text{cts}}{18}$ every thing is sold by the pound and these prices is the retail prise and stil on the fol[31] society is generly quiet considering all things but we have an outrage commited once in a while to keep up an excitement on crismus eve a man by the name of sharp who got a litle to much to d[r]ink and becam somwhat abucif to one of his companions who put the offender out of dores sharp did not return but went a way but swore he wold have revenge his pardners took away from him his pistles but he was not to be put of[f] in this way on crismus morning he went and stold a gun a revolver a boenknife [Bowie knife] and went in pursute of his antagonist who he soon found he put a ball and five buckshot throu his body which caused instent deth he was pursued and caut by a man Who saw him commit the crime in the struggle [S]harpe threw the man and broke his leg and made his escape but was persued by others and was takin prisnor he was tried and found gilty and hung the same day[32] a big days work that when I first landed in california I was told som hard storyes of what I shold have to pass through but I found the accomidations much beter than I expected I had gods foot stule to sleap on and the brod hevans to cover me from the time I landed in California tel the midle of november I slep under the shade of an oke just where knight over took me and many a sond slepe I had

if nothin happins [to] me between this and next spring I in tend to start to the ube [Yuba] or fether river to tri mi luck among the mountans that are now covered with snow[,] mountans that are from fore to ten miels above the river this is a most interesting cuntrey at any time of year we Can stand on the high ground and see the snow Capt mountans . . . by looking to the north east and look[ing] to the south west we can see the plains where frost but seldom enters the wether is now deli[ght]ful it is like the finist days you have in the month of may with now and then a lite frost I can imagin I see you egipitons [Egyptians][33] eather wading through frost and snow or over frosen hills bundled up to keep worm

I hope these fue lines will find you all injoying good helth[,] a good fier to keap you worm[,] som good sider to drink and take an extry glass for me try and take care of your selves for god knows but I will not tel when I shall be thare

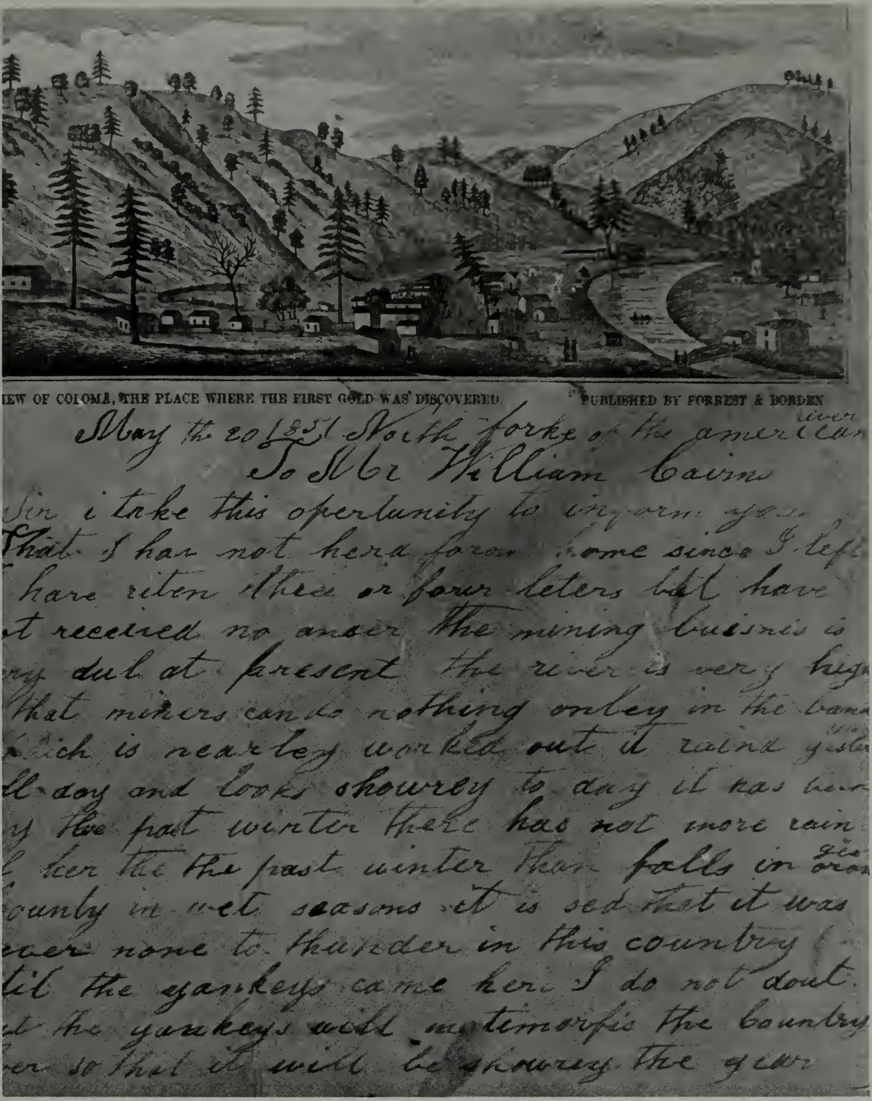
give my respects to all inquiring frends
so no more at presant I remain your
Affectionate frend and brother
A. W. Cairns

Direct your letters to sacremento sity

May the 20 1851 North forke of the american river

To Mr William Cairns

Sir i take this opertunity to inform you That I hav not herd forom home since I left I have riten three or four leters but have not received no anser The



IEW OF COLOMA, THE PLACE WHERE THE FIRST GOLD WAS DISCOVERED. PUBLISHED BY FORREST & BORDEN

May the 20 1851 North forke of the american river
To Mr William Cairns
Sir i take this opertunity to inform you
That I hae not herd from home since I lef
have riten three or four leters but have
t received no anser the mining buisnes is
ry dul at present the river is very hig
that miners can do nothing onley in the ban
ich is nearley worked out it raind yeste
ll day and looks showrey to day it has been
y the past winter there has not more rain
l ben the the past winter than falls in gree
ounty in wet seasons it is sed that it was
ever none to thunder in this country
til the yankeys came here I do not dout
t the yankeys will metemorfis the country
er so that it will be showrey the year

Courtesy of Wisconsin State University, River Falls.

Letter Written on a Gold Rush Letterhead by
Andrew Cairns to his Brother William.

mining buisnis is very dul at present the rivers is very high so that miners can do nothing onley in the bank Which is nearley worked out it raind yesterday All day and looks showrey to day it has been dry the past winter there has not [been] more rain fol her[e] the the [*sic*] past winter than falls in orange County in wet seasons it is sed that it was never none to thunder in his country until the yankeys came here I do not dout but the yankeys will matimorfis [metamorphose] the country Over so that it will be showrey the year Round instead of a rainey and dry season The yankeys do wonderful things some times meney of the miners are leaving the rivers and dry digon [diggings]

those that was indused to go to the north in the fine wether in Jenuary and febuary are now returning to there old claims on the river and find them occupide by other[s][34] meney of them eased of [?]fur Or five hundred dolars they found the snow from five to ten feet deap and provisions from one doler to a dollar and a half a pound it is to earley to go north yet it was thaut that the rivers wood be very low this sumer on acount of the dry winter and that piles of gold wood be taken from among the snow capt mountains of the north and the beds of the rivers but the case looks dark at present it has been Cool for the last ten days and the snow comes from the mountans very slow if the wether should keep coole it will spoil the bright prospect of daming the rivers and wandering among the snow capt mountains of the north in persute of gold the longer i live in and the beter i get Acquainted with california the beter opi[n]ion i hav of the resorses of the country but sosiety is in an awful fix[,] if sosiety i can call it w[h]ere there is but one sect[35] I will give you a little history [about] how we miners get along there is but few claims that can be worked by one man to advantage so we join in compineys from two to six and eight accord[i]ng to the claim these compineys work to gether until discord gets posesion of the camp and that is not very long for disolusion of the younion is the order of the Day there is [s]carsley a day pases but i can see the disolution which generly brakes up in a row and often blody noses and black eyes is the consequence as I hav already said sosiety is in a bad fix the domeneys [dominies] turn monty dealers[,] the sa[n]ctified profesor turns blasfemer[,] dockters have to dig for a living[,] for pills and emetics finds but a poor mark here it semes to me that the devil has unive[r]sel sway in californi and I believe [he] will have until we get more of the feminingen gender to cool down the eavil pasions of man[36] I hav ben m[in]ing for the last month or two in what is cald a slide i have ben working from twenty to forty feet under ground and have don very well I have ben uncomfortable helthey the past winter[37] I weighed near two hundred pounds but am on the decline at present write as soon as you recive this and let me now how you are ageting along the drawing on this sheet is a trew representasion of the mining destr[i]ct

no more at p[r]esent I Remain your friend and Brothe[r]

Andrew W Cairns

Yankey Jims[38] California march the 21 1852

Mr George W Cairns

Dear sir i received your leter of august the 4 and was much pleased to here that you and John was well you want to know my opinion of coming to this country as for origon i know but litle[,] onley from hersay i hav talked with a number who have come from origon some of them give the country a good name while others sets it down as being a cold wet climet for about six months of the year and a bad country to make money in[,] which is a searious objecksion for money is the god of the presant generation but i understand that wages is from three to five dolars a day for comen labor which is a good sine for making money[39] and if the climet is aneything like califrneia it is good enof origon is satling [settling] very fast so is califrneia[40]

as for my opinon of coming to this counrty i have never given it but as yu wish to here it[,] here it comes if you are in reasonable good business you had better stay by it but if you are not and no prosspect ahed it will Do to come to this country but if you have a wife or a sweet hart for god sak stay by them for there is miners enouf here now another thing is to be considered and that is the inconvenience and hardships of this country if you come to this country you must make up your mind to take up with ruf and tumble fare such as sleeping on the ground and eating bad provision of your own cookcking and if you put up at a publick hous you will get lice and fleas enouf to last you until you get to another publick hous w[h]ere you will get a fresh supply and yet another thing is to be thout of and that is the bad state of sosiety californiea and origon receives a great porsion of the of[f] scouriring of gods footstool and when the scapegaleses of all nations and tungs gets collected together it is unreasonable to suppose quiet and good order can be kept there is no dout a beter chance for making money here than in the olde states[41]

i have given you a slite sketch of californiea life and if you are willing to exchange the engoiments of good sosiety and a good living for one chance out of one hundred for making a fortshun[,] californea fare included[,] come to californiea if not stay w[h]ere you are as for miself i am her[e] and the country agrees with mi helth and i inten to have a pile or spend the rest of mi days this side of the ismus

i have bean stoping at Yankey Jims the past winter the vilege of yankey jins is situated about ninty miles from sacremento sity on the devide between the north and midle fork of the american river and is one of the riches mining destricks that i have yet viseted there is from eight to ten thousand dolars takin out of the ground evry day wi[t]hin a h[a]lf mile of mi cabin but notwithstanding this abundence of gold i have been diging for the last six months and have not found gold enouf to pay for grub and there is about two thousand more in the same fix i shall leave here for the midle fork of the american river w[h]er[e] i shal most likely spend the sumer mi helth has been goog [good] the past winter the miners hav ben viseted with all kinds of respectable diseases the past winter mumps and measels have ben raging the past winter and now ther is fiftean or twenty cases of the small pox or vara lora [variola] perhaps it will do them good for the very devil has been in them all winter last friday was a day of unyousul excitement the caus of it was on acount of a drunken row the sunday night p[r]evious in which a man by the name of samiul Chamberlin was stab by james ugley ugley was arested by the sivel athoritys when the athritys were about arresting ugley some one in the croud un[k]none stab[b]ed ugley in the back which caused him to spit b[l]ood every thing went on quietly until friday last when Chamberlin died and was buried about ten oclock on friday about two ugley was tried by the sivel athority for murder as soon as cort sat a croud comenced gathering around the building the witneses were examined the cort gave notis that they would give a des[is]ion in five [h]ours but Judge linch thout that it was not nesesary to wait five [h]ours so they rushed in the hous and car[ri]ed ugley out on his bed where he was confined by the wound and caried him up to a tree where a rope was provided and in about ten minets he was swinging[42] i received a leter from Robert last september[,] the first and last news i have had from home since i left

write as soon as you receive this Direct your leters to sacramento sity and send them by adams and co express[43] i have no more to rite at present i Remain yours truly

Andrew W Cairns

California January the 1 1854

Coppy of a letter from andrew[44]

sir I suppose you think me numbored with the dead by this time but I take mie pen in hand to inform you that I am stil about and diging gold as usuel it is now over a year sence I have heard from you I answerd the last letter I receved from you but have not w[r]itin sence

mi helth has been good the past year and is good at presant I should like to hear from you and how you are all giting along I have bean the most of the past sumer exploring the gold digins and the result of mi travels is that the mines in the vecinity of the american river is as good as any of the other mining destricks I am mining in dead hors canyon eldorado canyon[45] it is rather dul times here at presant for want of water the most of the digins are in the hills and water is brot in canals or diches thare has bene no rains [of] any consequnce this winter the valubel farm I left behind if it will not pay its way dispose of it to the best advantage and pay mi debts if you have not alredy dun it sute your one [own] conveneince and you wil sute me

from presant prospecks I think I shal start for old orange [county] on the first train of cars bound east on the great pasifick rail rode[46]

I have nothin more of importance ixcept I wont you to write how you are all geting along and how things flourish around egipt and send your letters by adams expres to sacrenento city no more at presant

[Andrew W. Cairns]

Coppy of A [letter] from Andrew[47]

California Oct 20 – 1854

Dear sir it is now over two years since I have herd from you I now take mi pen in hand to inform you that I am stil about amoung the mountans of this state and to urge you to make one more desperate effort at writing a letter or two to me and let me know how things coums on about egypt and give the general news of the neighborhood I have wandered about amoung thes mountans so long that I feele quite at home whare ever nite overtakes me I have two companions that stay by me in all mi wanderings perhaps you wold like to know thare names if so I will write them the first is good helth[,] a very agreable companion in times of nead the other is poverty[,] a deformed old criple who is bound to persue me through life I have triede to get rid of this felow by sinking deap shafts[,] fluming rivers[,] sluceing[,] toming[,] cradling[,] but but [*sic*] it has all bean to no purpis the old divil is allways on hand but never minde him and I is to have another set to yet I am now stoping at yreca sita[48] or what yoused to be cald shaster [Shasta] flats thare is very good mines about hear and also som very good faming land I intend to stop hear this winter and perhaps for life for I like this part of the State to live in far better than I do further south this country is imprroveing very fast emegrants is ariveing dayly from of[f] the plains the most of them are famelys who intend to make northern california there home[49] mineing bisnis is dul at presant[,] there being no water[,] but we have a fare prospeck of plenty sune for it is now raining Thare was alarge quantity of wheat raised this seasin manufactured in to flour bye raising ower one [own] flour we save the expence of pac[k]in[g] from the co[a]st which is about one hundred miles from here Thare is no news of importans except the loss of the yankey blade and the large forgery commited in sanfrancisco[50] perhaps you wil hear of [these] before you receve thes no more at presant

Direct your letters to Yreca Calafornia
[Andrew W. Cairns]

A Prospecting Party

Yreka Cali December the 22 1854
George W. Cairns

Dear Brother i take this Opertunity to inform you that the people generly have got the blues in this county my self included there is no water for mining purposes which is the caus of a general dulness in all other buisness i am still temptting fortune by diging holes in the ground with ill suckses take a look at the engraving on this paper and you will have a bird eye view of about two thousand poor devils in the vecinity of yreka mi helth is good at present there is no news of importance i will send you a few papers which will give you the general news of the state take care that when you read of the big lumps you do not take the gold feaver for fear you should i will send you a chip of the old block which i [k]now to be true by experienc write as soon as you receive this for i have not herd from you or home in two years

no more at present

Andrew W Cairns

Direct your leters to Yreka city Calif

EPILOGUE

The above letter concludes the series of Andrew Cairns' surviving papers. Evidently he began to write home less and less often. William Cairns wrote to his brother George in 1857 that "I have not had any letter from . . . Andrew within a year"[51] and in 1858 George inquired, "Do you hear anything from Andrew & if you do where is he & how is he get[t]ing along?"[52] Again, in 1859, William wrote that "I have herd nothin from Andrew in over thre[e] years. I cannot tel you whether he is ded or alive."[53]

Finally, in 1862, the family in New York received a letter from their wandering brother. Having declared in 1852 that "I inten[d] to have a pile [of gold] or spend the rest of mi days this side of the is[th]mus,"[54] Andrew was going to be as good as his word. He had located in Olympia, Washington, reported William Cairns, "had takein 160 akears of unkel sams land and got to be an onist farmer."[55]

With this, Andrew disappears from the Cairns family papers. Several thousand miles of travel, eleven years of time, with a good deal of hardship and poverty, had him once again to seek his living in his old occupation. However great his disillusion, however complete his failure as a miner, Andrew Cairns could lay at least one claim to lasting importance. He, and thousands like him, had helped to build an empire beyond the Sierras.

NOTES

1. These letters are contained in the Gertrude M. Cairns Papers, Area Research Center (ARC), Wisconsin State University, River Falls.

2. R. Cairns to G. W. Cairns, Egypt [Orange County, New York], Sept. 2, 1850, Cairns Papers, ARC.

3. *Ibid.*

4. *Ibid.*

5. *Ibid.*

6. See Oscar Lewis, *Sea Routes to the Gold Fields* (New York, 1949), p. 16.

7. R. Cairns to G. W. Cairns, Sept. 2, 1850, *Loc. cit.*

8. This is a "full coppy" of Andrew's letter, and was enclosed in *ibid.*

9. Chagres, which was a regular stopping place for transisthmian travelers, "is only a small village of one story houses or rather huts, situated at the mouth of the river of that name, which empties into the Atlantic Ocean, and has a small but secure harbour. The place has a very unsightly appearance, being situated in the midst of a swamp, and the continual rains prevailing there would render the streets almost impassable were it not for logs of wood laid along the centre, for the accommodation of pedestrians." *Map of the Gold Regions of California . . .*, pub. by Ensigns and Thayer, New York, 1850. (A facsimile is appended to Lewis, *Sea Routes to the Gold Fields.*) See also John W. Caughey, *Gold is the Cornerstone;* the excellent history of transisthmus travel by John H. Kemble, *The Panama* (Berkeley, 1948), pp. 57-75.

10. Cruces was the head of navigation of the Chagres River, and was the route followed when the Gorgona road became impassable during the rainy season. See *Route, 1848-1869* (Berkeley, 1943), p. 172; a map of both routes is on p. 168.

11. This five-days' travel time was just about average. See Lewis, *Sea Routes to the Gold Fields*, p. 176.

12. The *Tennessee*, a wooden side-wheel steamer of the Pacific Mail line, was launched in 1848 and ran aground north of San Francisco Bay in March, 1853. Kemble, *Panama Route*, p. 248; Lewis, *Sea Routes to the Gold Fields*, pp. 243-247.

13. Howland and Aspinwall and Co. was headed by William Henry Aspinwall and his cousin William Edgar Howland. A prosperous and reputable New York firm, Howland and Aspinwall engaged in the risky and uncertain California commerce only as a part of its larger trading activities. Despite Cairns' certainty that he was being "humbuged," the delay of the *Cherokee* surely was not the result of any skullduggery by the company. See Kemble, *Panama Route*, pp. 21-27.

14. I.e., Orange County, New York.

15. The *Northerner*, then three years old, was on her first trip to San Francisco. In 1860 she was wrecked south of Humboldt Bay. Kemble, *Panama Route*, p. 238.

16. J. Howard and Son, a merchant firm of New York, was at this time one of Howland and Aspinwall's bitterest competitors. Later, peace was made between the two firms to better meet other competition. *Ibid.*, pp. 46-47.

17. The *Republic*, a steam side-wheeler barely a year old at this time, was just beginning her many years of service for several companies in the Panama trade. *Ibid.*, p. 243.

18. The road had been paved during the colonial period, but had been allowed to fall into disrepair. *Ibid.*, p. 172; Caughey, *Gold is the Cornerstone*, pp. 62-63.

19. Enclosed in R. Cairns to John V. Cairns, March 2, 1851. Cairns Papers, ARC.

20. For a table of comparable trips see H. H. Bancroft, *History of California* (San Francisco, 1888), VI, 138. The average time in 1849 and 1850 was about three weeks.

21. For a more extended description of this same situation, see Dr. J. D. B. Stillman's letter of August 22, 1850, in Valeska Bari, ed., *The Course of Empire* (New York, 1931), pp. 170-172.

22. Brown Bar was one of a series of camps on the north bank of the Middle Fork of the American River. On the same side were located the bars of Vermont, Buckner, Rocky Point, Mammoth, Texas, Quail, American, Dutch, Drunkard's, and many others. See Bancroft, *History of California*, VI, 354.

23. Greenwood, founded in 1848, was "first called Long Valley, then Green Valley, and Lewisville." *Ibid.*

24. Georgetown, also dating from 1848, was located about five miles from Greenwood. *Ibid.*

25. For the story of this mining promotion, see the excellent article by Carl I. Wheat, "The Rocky Bar Mining Company: An Episode in Early Western Promotion and Finance," *California Historical Society Quarterly*, XII (1933), 66. "The Rocky and the Big Bars," the company insisted, "are considered by the old miners as the richest, or to say the least, among the very richest portions of the gold region in California." See facsimile of the *Circular* of the Rocky-Bar Mining Company, bound into Wheat, "Rocky Bar Mining Company," following page 76.

26. Big Bar was less than a mile from Rocky Bar. *Ibid.*

27. This "mr pelton" is not identified in any of the Cairns Papers. It is possible that it is the John B. *Felton* who later appears as one of the owners of the Rocky-Bar Mining Company. See *ibid.*, p. 74.

28. Located on the divide between the Middle and North Forks of the American River, Auburn was first called North Fork Dry Diggings. Bancroft, *History of California*, VII, 355.

29. First called Spanish Corral, Ophir was by 1852 the largest settlement in Placer County, its prosperity maintained by quartz veins and fruit-growing. *Ibid.*, VI, 355, 440.

30. Cairns was not alone in this assumption. "He who mines after this winter," wrote one A. M. Williams, "will, I think, do so with very gloomy prospects of making any thing." Quoted by the St. Joseph, Mo., *Adventure*, February 21, 1851. In Walker D. Wyman, *California Emigrant Letters* (New York, 1952), pp. 131-132.

31. This was different indeed from "last winter." Flour had been $25 cwt., potatoes $75 cwt., and coffee $25 cwt. See letter of W. A. George in the Missouri *Republican*, April 19, 1850. Quoted in Wyman, *Emigrant Letters*, p. 166.

32. An Englishman and former sea captain, Sharp had surrendered to the sheriff before being captured by the crowd. H. H. Bancroft, *Popular Tribunals* (San Francisco, 1887), I, 155.

33. A reference to his home, the settlement of Egypt, New York.

34. Claims could often be restored to rightful owners by an appeal to the "crowd." Frank Marryat recounts such an experience in his *Mountains and Molehills* (New York, 1962), 124.

35. For a discussion of the levelling influence of the mining camp on social rank and position, see Bancroft, *History of California*, VI, 227-228.

36. The absence of women was keenly felt. It was said that the bonnet and boots of a "female" were displayed to gaping audiences of miners at one dollar a head. "A glimpse of them," comments Marryat, "[was] thought cheap even at this price." *Mountains and Molehills,* p. 118.

37. Good health was by no means universal. See for example the entry for July 10, 1850, in the Journal of Daniel B. Woods (in Bari, ed., *Course of Empire*, pp. 147-148), in which he complains that "This life of hardships and exposures has affected my health. . . . Our feet are wet all day, while a hot sun shines down upon our heads and the very air parches the skin like the hot air of an oven." See also J. E. Baur, "The Health Factor in the Gold Rush Era," *Pacific Historical Review,* XVIII (1949), 97-108.

38. Yankee Jim's, some twenty miles from Auburn, was one of the string of camps–including also Todd Valley, Wisconsin Hill, and Iowa Hill–located on the divide between the Middle and North Forks of the American River. Bancroft, *History of California,* VI, 73, 355-356.

39. This wage, incidentally, was well above the average earnings of a California miner, which was $600 a year or barely two dollars a day. See Bancroft, *History of California, VI,* 423-424. The majority of miners, says Bancroft, earned about one dollar a day in 1852, which was "the culminating year for individual miners." See also Rodman W. Paul, *California Gold: The Beginning of Mining in the Far West* (Cambridge, Mass., 1947), pp. 119-123, 345.

40. For the settlement of California, see R. G. Cleland and G. S. Dumke, *From Wilderness to Empire* (New York, 1960), pp. 137-138.

41. Cairns was more optimistic than some. See, for example, the letter of "Boone Emigrant" to the Missouri *Statesman,* April 25, 1851, quoted in Wyman, *Emigrant Letters,* p. 133. For a brighter picture even than Cairns', see Marryat's observations in January of 1852, *Mountains and Molehills,* 194-195.

42. This lynching at Yankee Jim's evidently was so commonplace that it has found its way into none of the standard histories of California lynch law.

43. Adams and Co. at this time rivalled Wells Fargo and Co. in California mail and freight service. See W. S. Greever, *The Bonanza West: The Story of the Western Mining Rushes, 1848-1900* (Norman, 1963), p. 43.

44. This letter is in the hand of William Cairns, Andrew's brother.

45. Evidently this was near El Dorado (formerly Mud Springs) and Placerville. See Bancroft, *History of California*, VI, 353-355.

46. The railroad surveys begun by the War Department in 1853 apparently had encouraged the expectation in California of an imminent connection with the East.

47. In the hand of William Cairns.

48. The seat of Siskiyou County, Yreka (first called Thompson Dry Diggings and then Shasta Butte) became the locale of serious mining activity early in 1851. Bancroft, *History of California*, VI, 494-495.

49. For the development of agriculture following the gold rush, see Cleland and Dumke, *Wilderness to Empire*, pp. 176-179.

50. This forgery apparently was a part of the political and financial corruption in San Francisco in 1854 and 1855. See F. Reisenberg, Jr., *Golden Gate* (New York, 1940), pp. 140-142. The Yankee Blade, a side-wheeler, was wrecked October 1, 1854, with a loss of 30 lives and $153,000 specie. Kemble, *Panama Route*, p. 252.

51. William Cairns to G. W. Cairns, Walkill, N. Y., January 3, 1857, Cairns Papers, ARC.

52. G. W. Cairns to William Cairns, River Falls, Wis., December 26, 1858, Cairns Papers, ARC.

53. William Cairns to G. W. Cairns, Walkill, N. Y., June 19, 1859, Cairns Papers, ARC.

54. Andrew Cairns to G. W. Cairns, Yankee Jim's, Calif., March 21, 1852, Cairns Papers, ARC.

55. William Cairns to G. W. Cairns, Walkill, N. Y., September 29, 1862, Cairns Papers, ARC.

Rincon or Telegraph Hill: Robert Louis Stevenson's Introduction to the South Seas

By Albert Shumate

Dr. James D. Hart in his recent book, *Robert Louis Stevenson: From Scotland to Silverado,* states in the Introduction that Robert Louis Stevenson "met a local author, Charles Warren Stoddard, in whose aerie atop Telegraph Hill . . . Stevenson heard idylls of tropical life."[1] This statement indicates the confusion that exists regarding Stoddard's residence during this important meeting.

The importance of the meeting is twofold: first, Stoddard introduced Stevenson to the South Seas and, secondly, probably to the leper colony at Molokai. Stoddard had visited the South Seas, fallen under their spell, and in 1873 published his charming *South-Seas Idyls.* Consequently, Robert Louis Stevenson learned about, and became interested in, the South Seas when he met the enthusiastic Stoddard at the latter's home and returned to his own San Francisco room not only with a borrowed copy of *South-Seas Idyls* but also with Herman Melville's *Omoo.*[2] Subsequent visits between Stevenson and Stoddard occurred at the aerie, and the Scottish author's enthusiasm in the Pacific was kindled.

This enthusiasm led partly to Stevenson's final adventure: his sailing through the Golden Gate in 1888 on the voyage that brought him to his new home and final resting place, Samoa. The voyage, however, was not the only result of these visits with Stoddard: Stevenson's visits also probably prompted him to travel to the leper

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colony at Molokai, for Stoddard had visited the island in 1869 and had published his *Lepers of Molokai*—the story of Damien's heroism—during his second visit in 1885.

Proof of Stoddard's influence is reflected in Oscar Lewis' Introduction to Stoddard's *Diary of a Visit to Molokai in 1884* where Lewis suggests (as Stevenson stated on visiting the leper colony in May, 1889) that the sickly Scot had "carried out a wish that he had formed long ago." Lewis cogently presents his suggestion when he writes:

> *It is logical to infer that it came from conversations with Stoddard in 1879, and that the initial wish was strengthened by Stoddard's book on the lepers. That Stoddard himself sent him a copy of* The Lepers of Molokai *is a thoroughly reasonable supposition, for the two had remained friends and had carried on an intermittent correspondence during the intervening years.*[3]

In 1890, a decade after his visits with Stoddard and about a year after his arrival in Hawaii, Stevenson published his famous *Father Damien: An Open Letter to the Reverend Doctor Hyde of Honolulu from Robert Louis Stevenson.*[4] This publication has been compared to Emile Zola's letter in defense of Alfred Dreyfus, and is considered one of the most brilliant, invective apologias written in the English language.[5]

It is precisely the importance of Stevenson's visit to Molokai and his famous letter to Doctor Hyde that make it significant where Stoddard and he met and conversed.

Doctor James Hart, as it has been stated previously, indicates Telegraph Hill as the site of Stoddard's aerie. He, however, is not the only author to specify this location. Other renowned authors have also arrived at the same conclusion. Anne Roller Issler, whose book *Happier For His Presence* was published in 1949, held the same opinion. Writing that "Stoddard's account of the meeting in 1880, which was to open new windows on Stevenson's world, determine his future abode in Vailima, and inspire his famous letter, that concerning Damien, parallels Stevenson's own," Miss Issler possibly quoted what is claimed to be Stoddard's account—an account from Henry Mead Bland's *Stevenson's California,* published in 1924, fifteen years after Stoddard's death. Stoddard was quoted as saying, 'I had my lodge in San Francisco on glorious Telegraph Hill when I met him first.'[6] This was also the opinion of Katherine D. Osbourne, author of *Robert Louis Stevenson in California* (1911). Osbourne based her opinion on Stevenson's book, *The Wrecker*, which contained a description of the place where Stevenson first visited Stoddard.[7] Finally, Oscar Lewis in his Introduction to Stoddard's *Diary on a Visit to Molokai in 1884*, published in 1933, places the meeting on Rincon Hill. Yet, some years later in his *Bay Window Bohemia*, which appeared in 1956, he shifts the scene to Telegraph Hill.[8]

But if Hart, Issler, Osbourne, and Lewis have selected Telegraph Hill as the location of the meetings, there are other authors that have named Rincon Hill as the site of Stoddard's aerie. Robert O'Brien in his book, *This is San Francisco* (1949), devoting more than one page to the Stoddard-Stevenson meeting, located the incident on Rincon Hill.[9] Sister Martha Mary McGaw, C.S.J., also took this view in her study, *Stevenson in Hawaii* (1950). Writing on Stoddard, she unequivocally stated the location of his residence: "Although he, too, lived in straitened circumstances, there was a romantic touch to his surroundings at 3 Vernon Place, a semi-ruin high on Rincon Hill, . . ."[10]

These few examples serve to point out the divergence of opinions among present-day authors. Such a divergence arises because of the descriptions that both Stevenson and Stoddard wrote of the location.

Stevenson wrote at least twice regarding Stoddard's dwelling. In *The Wrecker* he gave the following description:

> The first of these incidents brought me in acquaintance with a certain San Francisco character, who had something of a name beyond the limits of the city, and was known to many lovers of good English. I had discovered a new slum, a place of precarious, sandy cliffs, butt-ends of streets. It was already environed. The ranks of the street-lamps threaded it unbroken. The city, upon all sides of it, was tightly packed, and growled in traffic. To-day, I do not doubt the very landmarks are all swept away; but it offered then, within narrow limits, a delightful peace, and (in the morning, when I chiefly went there) a seclusion almost rural. On a steep sand-hill, in this neighbourhood, toppled, on the most insecure foundation, a certain row of houses, each with a bit of garden, and all (I have to presume) inhabited. Thither I used to mount by a crumbling footpath, and in front of the last of the houses, would sit down to sketch. The very first day I

> saw I was observed, out of the ground-floor window, by a youngish, good-looking fellow, prematurely bald, and with an expression both lively and engaging, [*sic*] The second, as we were still the only figures in the landscape, it was no more than natural that we should nod. The third, he came fairly out from his entrenchments, praised my sketch, and with the impromptu cordiality of artists carried me into his apartment; where I sat presently in the midst of a museum of strange objects—paddles and battle-clubs and baskets, rough-hewn stone images, ornaments of threaded shell, cocoanut bowls, snowy cocoanut plumes—evidences and examples of another earth, another climate, another race, and another (if a ruder) culture. Nor did these objects lack a fitting commentary in the conversation of my new acquaintance. Doubtless you have read his book. You know already how he tramped and starved, and had so fine a profit of living, in his days among the islands; and, meeting him, as I did, one artist to another, after months of offices and picnics, you can imagine with what charm he would speak, and with what pleasure I would hear. It was in such talks, which we were both eager to repeat, that I first heard the names—first fell under the spell—of the islands; and it was from one of the first of them that I returned (a happy man) with *Omoo* under one arm, and my friend's own adventures under the other.[11]

In a letter to Stoddard, where Stevenson's second description of the hill is found, he wrote:

> It was a pleasant old spot, and I remember you there, though still more dearly, in your strange den upon a hill in San Francisco and in one of the most San Francisco-y parts of San Francisco.[12]

Unfortunately, in neither this description nor in his article "San Francisco, a Modern Cosmopolis" is there anything definite regarding the site of these meetings.[13]

Charles Warren Stoddard also described his house. In his *For the Pleasure of His Company* (1903) he stated:

> She shone upon a silent street that ran up a moderate hill between far-scattered corporation gas-lamps—a street having reached the hill top seemed to saunter leisurely across a height which had once been the most aristocratic quarter of the Misty City; the quarter was still pathetically respectable, and for three squares at least its handsome residences stared destiny in the face and stood in the midst of flower bordered lawns, unmindful of decay. Its fountains no longer played; even its once pampered children had grown up. . . .
>
> She shone on a rude stairway leading up to the bare face of a cliff that topped the hill; and five and forty uncertain steps that had more than once slid down into the street below along with the wreckage of the winter rains, for the cliff was of rock and of clay and though the rock may stand until the crack of Doom, the clay mingles with the elements and an annual mud pudding, tons in

> weight, was deposited on the pavement of the high street. . . . The cliff towering at the junction of the two thoroughfares shared with each its generous mud-flow and half of it descended in lava-like cascades into the depths of a ravine that crossed the high street at right angles, passing under a bridge still celebrated as a triumph of architectural ungainliness. . . .
>
> She shone on all that was left of a once beautiful and imposing mansion. It crowned the very brow of the cliff; it proudly overlooked all the neighbors; it was a Gothic ruin girded about with a mantle of ivy and dense creepers, yet not all of the perennial leafage that clothed it, even to the eaves, could disguise the fact that the major portion of the mansion had been razed to the ground lest it should topple and go crashing into that gulf below. . . .[14]

In this article it is mentioned that the area "had once been the most aristocratic quarter." This could only be Rincon Hill. Stevenson was in San Francisco in 1879 and 1880. San Francisco's *Elite Directory* (1879), the first of its Blue Books or Social Registers to be published, has a general statement entitled "San Francisco Society" and tells of the areas that were centers of fashion and sociability. It states, "In 1854 and 1855, South Park and Rincon Hill became social centers."[15]

Further proof that Stoddard's aerie was located on Rincon Hill is found when Stoddard wrote that "the quarter was pathetically respectable. . . ." *The Elite Directory* (1879) again affirms confirmation: "The most genteel neighborhoods are Rincon Hill, where fragments of polite society still linger. . . ." Telegraph Hill is not mentioned in *The Elite Directory* of 1879. The "Calling and Address List" records eighty-three names on Rincon Hill, of which seventeen resided in South Park. Telegraph Hill had no person listed.[16]

Stoddard further reinforces the opinion that Rincon Hill was the site of his dwelling by his reference to the ravine and the bridge crossing it. This reference can only be the Second Street Cut and the Harrison Street Bridge. The Second Street Cut was approved by the state legislature, and was made in 1869. It was 60 feet deep, in places 75 feet, and created a steep ravine between Folsom and Bryant streets. This left houses clinging precariously to the brink of the big chasm.

The universality of authors decrying the mutilation of Rincon Hill began with *The San Francisco Directory* (1870):

> The ground . . . would sink . . . thereby endangering the workmen by the caving in of the superincumbent earth. This was chiefly occasioned by the formation of the soil being composed of alternate layers of rocks and deposits of sand, which, being non-cohesive, bulged downward and inward, like the filling in of a swampy piece of land.[17]

John S. Hittell, one of California's and San Francisco's eminent historians, did not overlook the event:

> The cut or ditch, at one place sixty feet deep, has ugly steep banks, which have slid down in wet weather; . . . Rincon Hill has lost much of its beauty and all its pre-eminence as a district for fashionable dwellings; . . .[18]

B. E. Lloyd, author of *Lights and Shades of San Francisco*, described the effects:

> Rincon Hill . . . in the earlier history of San Francisco was the most aristocratic residence locality. But when the "Second Street Cut" was projected, dividing the hill into two half cones, its beauty was endangered, and wealthy persons began to look in other directions for building sites, and the completion of the excavation has rendered it an undesirable place of abode. However, some of the finest and most homelike private houses of the city stand on Rincon Hill. . . .[19]

Mayor Thomas H. Selby, on December 6, 1869, addressed the Board of Supervisors and condemned the legislature's action:

> Already we see the effect of this vandal spirit by manifest want of confidence in the stability of future investments. Elegant homes have been destroyed under the plea of commercial necessity; and this in order that a few speculators might be benefited. The cut through Rincon Hill, with its bridge costing over $90,000, is a public outrage. . . .[20]

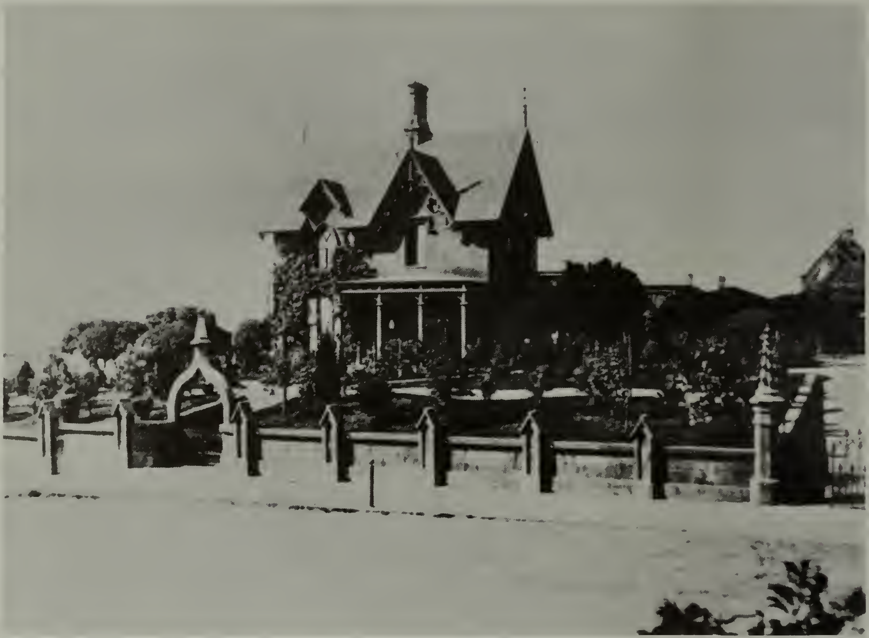
Even a minister, visiting San Francisco while the Cut was still being made, described the destruction:

> I called on the Bishop of California one afternoon. The "Directory" said he lived in 348 Second Street. So I went to Second Street, and found in the part where his house ought to have been, a fresh-made cliff, 50 feet high, on either side. . . . It was impossible to reach the Bishop's nest from the street, so I beat round to get to the back of it. . . . I asked where the Bishop lived. . . . "why, his house tumbled down into the street."[21]

As suggestive as the above material is, Stoddard wrote with more explicitness in *In the Footprints of the Padres* (1902) written and published while he was still alive. The following description is taken from an article entitled "Old Days in El Dorado":

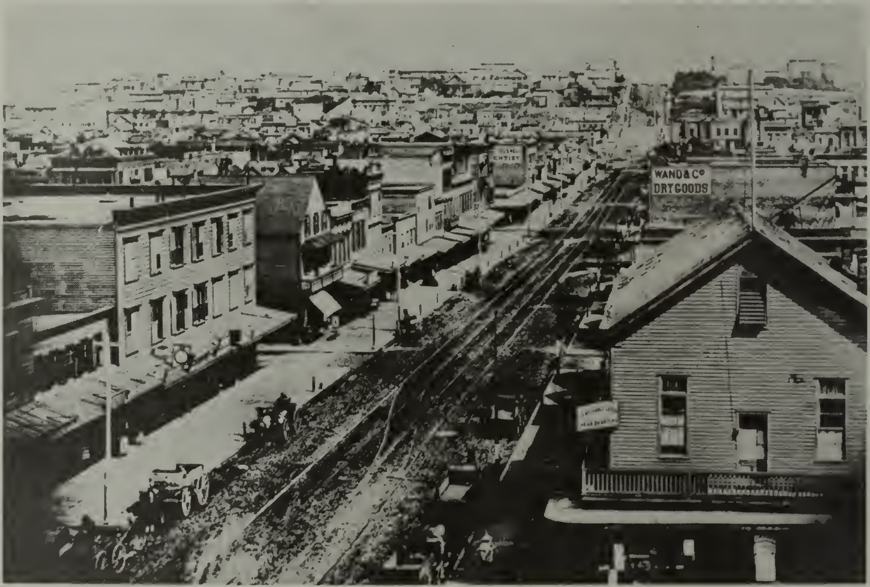
> How are the mighty fallen! The Hill, of course, had the farthest to fall. . . . As for the Hill, the Hillites hung on through everything; . . . a deep gully was cut through it, . . .
>
> A cross-street was lowered a little, and it leaped the chasm in an agony of wood and iron, the most unlovely object in a city. . . . it was my fate to set up my tabernacle one day in the ruins of a house that even then stood upon the order of its going—it did go impulsively down into that "most unkindest cut," the Second Street chasm. . . .
>
> The ruin I lived in had been a banker's Gothic home.[22] When Rincon Hill was spoiled by bloodless speculators, he abandoned it and took up his abode in another city.
>
> * * *
>
> I could not remain suspended in midair for any length of time: the fall of the house at the northwest corner of Harrison and Second Streets must mark my fall. While I was biding my time, there came to me a lean, lithe stranger. I knew him for a poet by his unshorn locks and his luminous eyes, the pallor of his face and his exquisitely sensitive hands. As he looked about my eyrie with aesthetic glance, almost his first words were: "What a background for a novel!" He seemed to relish it all—the impending crag that might topple any day or hour; the modest side door that had become my front door because the rest of the building was gone; the ivy-roofed geranium-walled conservatory wherein I slept like a Babe in the Wood, but in densest soltitude and with never a robin to cover me.
>
> He liked the crumbling estate, and even as much of it as had gone down into the depths forever. He liked the sagging and sighing cypresses, with their roots in the air, that hung upon and clung upon the rugged edge of the remainder. He liked the shaky stairway that led to it (when it was not out of gear), and all that was irrelative and irrelevant; what might have been irritating to another was to him singularly appealing and engaging; for he was a poet and romancer, and his name was Robert Louis Stevenson. He used to come to that eyrie on Rincon Hill to chat and to dream: he called it "the most San Francisco-ey part of San Francisco," and so it was. It was the beginning and the end of the first social period of social development on the Pacific coast. There is a picture of it, or of the South Park part of it, in Gertrude Atherton's story, "The Californians." The little glimpse that Louis Stevenson had of it in its decay gave him a few realistic pages for *The Wrecker.*[23]

As already stated, Stevenson was in San Francisco in 1879 and 1880. During this period of Stevenson's stay in the city, Charles Warren Stoddard had a definite permanent address. The *San Francisco Directory* (1879) listed Charles Warren Stoddard as "correspondent, S.F. Chron-



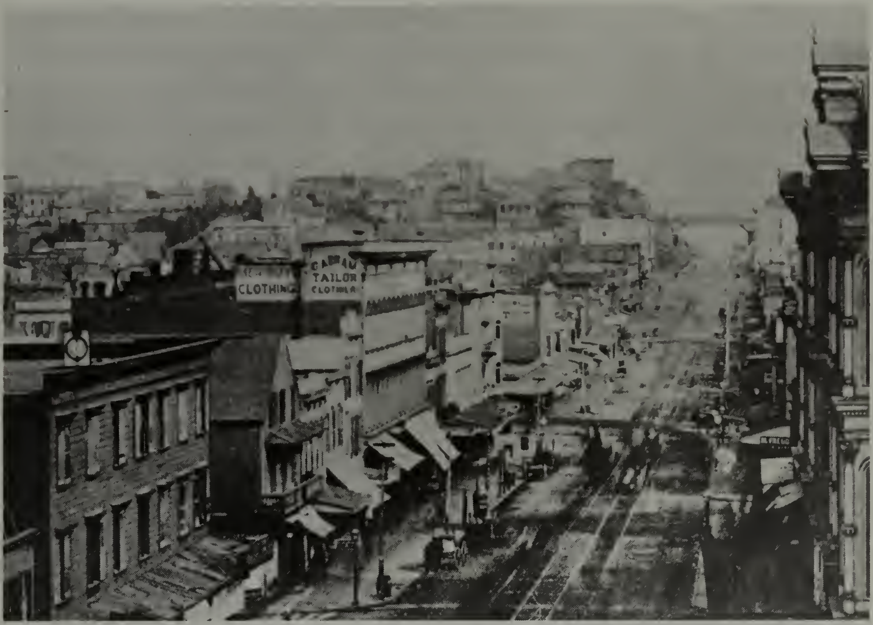
Courtesy of the Society of California Pioneers

Peder Sather's Residence on the Northwest Corner of Second and Harrison.



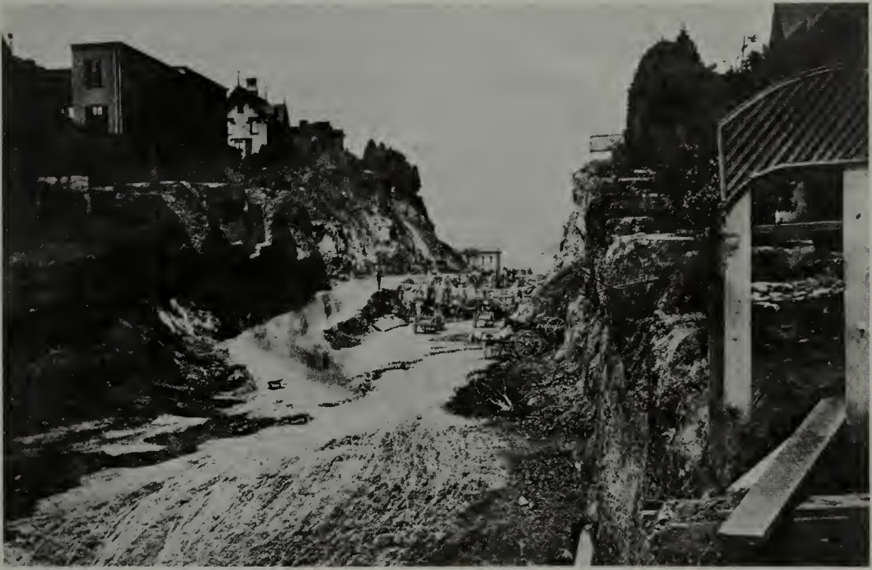
Courtesy of the California Historical Society.

View of Second Street, Rincon Hill, from Market before the Cut.



Courtesy of the California Historical Society.

View of the Cut and Harrison Street Bridge from Market Street.



Courtesy of the California Historical Society.

View of the Cut through Second Street on Rincon Hill.
Left to Right: The Residences of Frederick W. Macondray, Pedar Sather, and Bishop William I. Kip.

icle, r. 3 Vernon Pl. n. Second." The directories of both years listed several Vernon places. The Vernon Place on Rincon Hill is described as "W (326) Second bet. Folsom and Harrison, W. to Hawthorne." There is also listed a Vernon Place on Russian Hill: "E S Hyde bet. Green and Union," and also a Vernon Place, "S. 1007 Jackson bet. Mason and Taylor." But there is no Vernon Place on Telegraph Hill. Thus Stoddard's aerie could not have been located on Telegraph Hill, especially on a Vernon Place.

Vernon Place in the early days of Rincon Hill was a small street containing the handsome residences of Anson Gale Stiles and of his daughter, Harriet, after her marriage to Charles T. Blake in 1868. It was there that Anson Blake, the former president of the California Historical Society spent his boyhood. Vernon Place today, however, is known as Dow Place and is a miserable alley on the greatly leveled Rincon Hill.[25]

Therefore, it was the old Vernon Place that Anson S. Blake referred to when describing his childhood on Rincon Hill:

> I was born in San Francisco and propose to offer you some of my youthful recollections of scenes and events in that nascent metropolis. My home during those years was my Grandfather's home on the crest of Rincon Hill at its westerly end. The house faced north on a little street then called Vernon Place, but now known as Dow Place. The outlook was over the large grounds of General Halleck's house which fronted on Folsom Street opposite the Talbot, Pope and Latham Houses. At the rear of our home was the large place of Mayor Selby and next to it the former home of Pedar Sather, which was then a boarding house, perched on the cliff above Second Street cut, which had only recently been put through Rincon Hill. This was "the banker's ruined castle" noted by Robert Louis Stevenson as the place where he visited Charles Warren Stoddard, who boarded there.[26]

It is also of interest that before the Second Street cut, the residence of the Reverend William A. Scott (322 Second) stood just south of Vernon Place. Dr. Scott, after being hung in effigy for his pro-Southern opinions, left San Francisco for Europe,[27] and the home was occupied by his daughter and her husband, Nicholas G. Kittle. Dr. Scott returned to San Francisco after the Civil War, and in 1880 performed the marriage ceremony of Fanny Osbourne and Robert Louis Stevenson.

From the above evidence, one must conclude that the Stevenson-Stoddard meetings were on Rincon Hill and not on Telegraph Hill.

NOTES

1. James D. Hart, ed., *Robert Louis Stevenson: From Scotland to Silverado* (Cambridge, 1966), pp. xxix and xxx.

2. *Ibid.*, p. xxx; Robert Louis Stevenson, *The Wrecker* (New York, 1895), p. 146.

3. Charles Warren Stoddard, *Diary of a Visit to Molokai* (San Francisco, 1933), pp. vii and viii.

4. *Father Damien: An Open Letter to the Reverend Doctor Hyde of Honolulu from Robert Louis Stevenson* (London, 1890).

5. *Father Damien: An Open Letter to the Reverend Dr. Hyde of Honolulu from Robert Louis Stevenson, Dated February Twenty-Fifth, MDCCCXC* (San Francisco, 1930), pp. i-xxiii.

6. Anne Roller Issler, *Happier for his Presence: San Francisco and Robert Louis Stevenson* (Stanford, 1949), p. 60.

7. Katherine D. Osbourne, *Robert Louis Stevenson in California* (Chicago, 1911), p. 74.

8. Oscar Lewis, *Bay Window Bohemia: An Account of the Brilliant World of Gaslit San Francisco* (New York, 1956), p. 160.

9. Robert O'Brien, *This is San Francisco* (New York, 1948), p. 294.

10. Martha Mary McGaw, C.S.J., *Stevenson in Hawaii* (Honolulu, 1950), p. 8.

11. Stevenson, *The Wrecker*, pp. 145-146.

12. Stevenson to Colvin, 13 February 1886, in Sydney Colvin, ed., *Letters of Robert Louis Stevenson to his Family & Friends* (New York, 1899), II, 21.

13. Haywood H. Hunt, "San Francisco: A Modern Cosmopolis," *The San Francisco of Robert Louis Stevenson* (San Francisco, 1923).

14. Charles Warren Stoddard, *For the Pleasure of his Company: An Affair of of the Misty City Thrice Told* (San Francisco, 1903), pp. 1-3.

15. *The Elite Directory for San Francisco and Oakland* (San Francisco, 1879), pp. 17.

16. *The Elite Directory for San Francisco and Oakland*, pp. 27-80.

17. *The San Francisco Directory for the Year Commencing December, 1869* (San Francisco, 1869), p. 16.

18. John S. Hittell, *A History of the City of San Francisco* (San Francisco, 1878), p. 380.

19. B. E. Lloyd, *Lights and Shades in San Francisco* (San Francisco, 1876), p. 107.

20. *San Francisco Municipal Reports for Fiscal Year 1869-70, Ending June 30, 1870* (San Francisco, 1870), p. 666.

Thomas H. Selby, who was mayor from 1869 to 1872, lived on 618 Harrison Street during most of this period.

21. *To San Francisco and Back by a London Parson* (London, 1871), pp. 67-68.

22. The "banker's Gothic Home" at the northwest corner of Harrison and Second Street was that of Pedar Sather (1810-1886). Sather was a Norwegian who came to California at the age of forty and organized the banking house of Sather and Church. His name is remembered in Sather Gate, the Sather Campanile, and the Sather Professorship—all at the University of California, Berkeley. He resided at 346 Second Street (corner of Harrison) from 1858 to 1870, when he moved to Oakland.

23. Charles Warren Stoddard, *In the Footprints of the Padres* (San Francisco, 1902), pp. 93-96.

24. *The San Francisco Directory*, 1879, p. 829.

25. Photographs of the residences are found in the library of the California Historical Society.

Stiles Hall at the University of California, Berkeley, is named after Anson Gale Stiles.

Anson Stiles Blake, son of Harriet Stiles and Charles T. Blake, served on the Board of Directors of the California Historical Society from 1924 through 1952, and was president from 1945 through 1948.

26. Anson S. Blake, "A San Francisco Boyhood, 1874-1884," *California Historical Society Quarterly*, XXXVII (September, 1958), 215.

General Henry Wagner Halleck later became General-in-Chief of all the Union Armies during the Civil War.

William C. Talbot lived at 610 Folsom Street,

Andrew J. Pope, who lived at 614 Folsom Street, was one of the founders of the firm of Pope and Talbot that dealt in lumber and shipping.

Milton Latham, who was governor of California in 1860, resigned the governorship to accept the United States Senate seat which was vacated by the death of Senator David Broderick who was killed in a duel with Judge David C. Terry.

27. Clifford Merrill Drury, *William Anderson Scott, "No Ordinary Man"* (Glendale, 1967), p. 267.

Letters of George Sterling to Carey McWilliams

By John R. Dunbar

In the Special Collections Division of the Library of the University of California at Los Angeles are a number of letters written by George Sterling to Carey McWilliams at the time McWilliams was working on his biography of Ambrose Bierce. Sterling wrote these letters during the year and a half immediately preceding his suicide on November 17, 1926. They reveal Sterling's attitude toward his contemporaries and toward poetry and criticism, and they reveal Sterling's own generous personality. I have not reproduced three very short undated bits of writing contained in the file of letters: in one Sterling asks McWilliams to subscribe to the *New Masses*, in the second Sterling tells McWilliams when he hopes to be in San Francisco, and in the third Sterling gives McWilliams the name of a friend.

I wish to thank the librarian of the Special Collections Division for permission to reprint these letters. The letters reprinted here are all addressed from the Bohemian club of San Francisco.

I

Bohemian Club

May 7th, 1925.

Dear Mr. McWilliams:

Pardon my delay in replying to yours of the 28th.

I didn't see your article in the 'Argonaut,' but wish I had.[1] I'm surprised that Mr. McNab thinks Bierce was born in England; he did live and write there for a few years in the early seventies, but he was born in Ohio—in 1842, not 1872.

At Mencken's request, I wrote an article on Bierce, last month, for his 'American Mercury,' and it should appear soon.[2] In it I handled Bierce's personality, not his work. I was his pupil, and came to know him pretty well. It has often been suggested that I write his life; but I don't care to do so while his daughter is living. She resides now in Los Angeles. Her name is Isgrigg.

John R. Dunbar, a frequent contributor to the *California Historical Quarterly*, is professor of English at the Claremont Men's College.

The book you refer to is one brought out by The Book Club of California and entitled 'Letters of Ambrose Bierce.'[3] It cost them $10. a copy to bring out the book, and that is what they charge for it. The book is supposed to be sold only to members of the club, but I can get you one if you care to send me a check for $10.25, made out to them.

Sincerely,
George Sterling

II

May 14th, 1925.

Dear Mr. McWilliams:

I turned in your check to the Book Club, and the Bierce 'Letters' will go to you at once. You'll find much information about him in Mrs. Pope's sketch, and some in my own inadequate memoir.

The Loveman book has little value, and was printed out of mere vanity.[4] Three of those 'Dod Grile' books were published, all in England.[5] The one you have is rather rare. If you want full information as to these books and all others by Bierce, write to my book-shop friend John J. Newbegin, Jr., 358 Post St., S. F.

Bierce wrote one of the chapters in 'The Dance of Death' (Newbegin can tell you which one) and edited the book generally.[6] In fact, he instigated it. It created a furore at the time.

Your 'Argonaut' article isn't bad, nor are there many errors in it. You can check it up by Mrs. Pope's sketch, which is accurate.

But imagine anyone *not* thinking that the world is 'frothing mad!'

Sincerely,
George Sterling

III

I suppose you know Bierce's daughter lives in L. A.

July 27th, 1925.

Dear Mr. McWilliams:

I'd already seen your article in the 'Dumbook,'[7] and was surprised at its literary value, especially in view of your age. I should now have no hesitation in helping you, to the best of my ability, in your plan for a life of Bierce. I have often been urged to write such a book myself, but for reasons which I'd prefer to state orally to you, do not care to undertake the work. I hope, though, that you see it's not a thing you should do hastily. Youth usually wants to become famous in a hurry; but such a Life should not be written before going to all sources of information, including his surviving relatives and close friends and the back numbers of the periodicals for which he wrote—Argonaut, News-Letter, Wasp, Examiner, Cosmopolitan.

Scheffauer is soon to publish (in the Mercury, I believe) his letters from Bierce.[8] Those should prove invaluable.

Mencken had to postpone my own rather sketchy article till September. With thanks for the Dumbook, I remain

Sincerely,
George Sterling

IV

Aug. 22nd, 1925.

Dear Mr. McWilliams:

I write at this late hour to assure you that I'll be indeed glad to see you when you get to S. F. I live here in the club, and the best time to 'phone me is about 9 A. M.

My 'memoir' on Bierce is in the Sept. 'Mercury.' It will not please Mrs. Harding[9] nor Mrs. Isgrigg! And I could have made it a deal snappier, at that.

Sincerely,
George Sterling

V

Sept. 20, 1925.

Dear McWilliams:

Do pardon me for not seeing you that morning! I was in bed with a katzen-jammer that defied description.

I'd a notion, too, that I could see you the next day, but you had to leave. Anyhow, the main thing was to have given you the Weeks article,[10] and I'd not yet obtained it.

Here it is, anyhow. Copy it at your earliest convenience and return it to me here.

I'm anything but 'great.' Nevertheless, I can't but take pleasure in your generous words, and I'm very glad you liked 'The Pathfinders.' Shall be glad, too, to have the Jeffers book.

Yours ever,
George Sterling

VI

Oct. 11th, 1925.

Dear McWilliams:

Thanks immensely for the Jeffers book! If you can find any more (they'll be in L. A. and Pasadena if anywhere) I advise you to keep them, for they may some day be valuable.

I'm returning 'The Testimony,' autographed.[11] Put it between Swinburne and Rosetti [*sic*], to warm it up a bit!

I never met Weeks. Hope you have seen my eccentric friend Johnson.[12] You musn't [*sic*] mind if he is stiff at first—he limbers up with difficulty. And if you can get Mrs. Isgrigg's address, please let me have it.

Jeffers will autograph your 'Tamar' if you 'mention my name.' On 2nd thoughts [*sic*], I'll leave 'The Testimony' with Newbegin, as you permit. It's a nuisance to mail books.

If you still have the 'Nation' with Jeffers' poems, let me have it; but if it has gone to your waste-basket, don't try to get another.

Of course I'd be glad to have you write something about me for the Dumbook. Bierce reached Texas from the east and south. He was never in Cal. after the autumn of 1912. He visited old battlefields en route.

It seems sure he was first with Villa. I think that can be proved by his daughter. Evidently he deserted to the other gang, if Weeks' article is correct.

Glad you liked the Ballad of the Swabs. My rather scandalous Ballad of the Grapes is in the October 'Overland.'[13] I've become one of its editors, and we hope to make it a live-wire monthly. Don't you want to subscribe?!

I suppose you won't be in town till the holidays, if then; but, let me know, as soon as you arrive.

To use a phrase of Bierce's, 'May God be with you, but inattentive!'

Yours in the Prophet,
George Sterling

VII

Oct. 26th, 1925.

Dear McWilliams:

I can at the present hardly advise you as to the handling of the biographical part of the Bierce book. It is a matter I could do more justice to in a conversation. I hope that won't be too far in the future.

You *did* send me that Jeffers book—'Flagons and Apples.' It's pretty good stuff, considering how young he was at the time. A thousand thanks for it! I had my tonsils out on Thursday, and this is as long a letter as I can manage to-day!

Sincerely ever,
George Sterling

VIII

Nov. 17th, 1925.

Dear McWilliams:

So far as I know, the only person who now can tell you anything about Bierce's domestic relations is Mrs. Isgrigg—it's not Izgrigg. I'm sure his nephew can't. As for me, I never knew that his wife was in England with him, even. And I doubt if you'll be able to get a word from Mrs. I. That tragedy seems to be

> 'Well dead, and buried deep as Hell.'

You needn't have sent back these enclosures. I'm returning them with the notion that you can use them for reference. Note an extra letter from the Rabbi.

I think it would be a good idea to let Ryder have that summary.[14] If you want to let me read it first, I may be able to make useful suggestions.

So you've met Johnson—as queer a bird as was ever hatched. He led an incredibly dissipated life for many years, and is now paying the penalty. Where he got the notion that Bierce was not a blond is beyond *me*. Maybe he has in mind B's increasing greyness. But B. had bright blue eyes and yellow hair. And if you don't think him intolerant, read his 'Prattle.'[15] Of course, in conversation with comparative strangers, he may often have scorned to start arguments.

Yours ever,
Geo. Sterling.

IX

Jan. 22nd, 1926.

Dear McWilliams:

You don't have to 'Mr.' me! I am not dignified.

Sure—I sent in 'The Pathfinders' to the Nation's free-for-all, but have no great expectations of winning the 1st place. It's all up to Mark Van Doren's personal tastes, which are so weird that he gave the prize, last year, to that absurd, 'Hot Afternoons,' an award that is still contributing to 'the gaiety of nations.'[16] What can one expect from such poetic criteria?

I hope you'll soon get at 'Roan Stallion.' You'll find all the book is tremendous stuff, well deserving of the praise that reviewers are heaping on it—at least in the east.

Am glad you liked the verses in the 'Review.'[17] I'm much interested in that monthly, and am digging up some free poems for them, including one by Jeffers himself.

Did I tell you I signed the contracts with the Macmillan Co. for the early publication of 'Lilith?' and of a book of shorter poems to follow? I think I did.

I may send my friend Geo. Hyde[18] to call on you. He's a live wire and a book-collector.

Yrs. ever,
G. S.

X

Jan. 29th, 1926.

Dear Carey:

Thanks for the article in the 'Double Dealer,' which, naturally, I enjoyed. You are wrong in thinking you don't 'make prose sing.' Some of that article of yours on Bierce as a poet was better than anything *I've* written of him. Anyway, I'm glad you liked the Miller one.[19] Menck. asks for me on London, which I can't do so long as his widow and daughter survive; and they'll all outlive me, I guess. He wants one also on Stoddard, which I may do in a small way—I've not many interesting recollections of him. As to writing about Carmel or S. F., I'm deferring that to my old age! Menck. wouldn't care for it anyhow, and I write prose only for money. Except this 'Overland' trash.

I can't recall any Pauline Vollmer, and think it was merely a book sent to me to be autographed—sent by a stranger. I'm glad she let it go, since *you* have it.

I don't feel puzzled as to Barnitz.[20] The way I see his case is this: he tried dope out of curiosity or boredom, and took it so often that before he knew what it was doing to him it had a hold on him he couldn't loosen. That meant he had no vitality, which in turn means that one's outlook on life *has* to be morbid and pessimistic, which condition was added to by a sense of failure. One cannot, if abounding in vitality, be pessimistic except in an aloof, intellectual way, which isn't vitally sincere, since one enjoys life and clings to it. I suppose one is pessimistic about others but not one's self!

I'll tell Hyde to phone you, the next time I have occasion to write him. I don't write him often.

The Rev. J. J. Newbegin, Jr., wants to be remembered to you.

Yours in Mohammed,
George Sterling

XI

Feb. 14th, 1926.

Dear Carey:

No—I don't want those articles back. I'll remember them.

This is shaky handwriting: too much champagne last night.

I dare say Delmas[21] was acquainted with Bierce, but I'd not put too much belief in his 'reminiscences.'

No—I can't write that London article. At least not as long as his daughter and widow are alive. They would stand for nothing but panegyrics —and there's much more than that to be said. If I can't do the article right I don't want to do it at all. I may do one—a brief one—on Stoddard.

Sinclair Lewis is here, and we're motoring to Carmel on Tuesday. He then drives on to Kansas City, via L. A. and Santa Fe. Wants me to accompany him, but is drinking far more than is good for him. I had to nurse him here in my room all yesterday afternoon.

No more now: I have to go over to Oakland, damn the luck!

Yours ever,
George Sterling

XII[22]

Mch. 2nd, 1926.

Dear Carey:

My writing is shakier than ever, this morning; but I can't afford to buy a typewriter, and am too lazy to learn to run one even if I had it. As you infer, I've no time to write frequent letters, as I have to write so many. However, I want to get this MS back to you without too much delay. I like the story—at least its strong, vivid presentation of scenery and atmosphere, though I don't think it applies to the *first* pioneers, who at least needed courage and initiative. Maybe it goes, though, for many who followed in their footsteps. I'm surprised M. didn't take it for the Mercury, for it's the sort of attack on U. S. tradition that he likes.

I can understand the comments on the story—quoted by you. They all apply, to a certain extent. Nevertheless the tale remains, a thing not readily to be forgotten, and were I an editor I'd print it in a hurry. Wish we were finally paying on the Overland Monthly, but that time keeps receding into the dim and joyful future!

I can't advise you as to re-writing it. It seems to me all right as it stands, and seems 'labored' merely because one expects to see more happen, what of the mighty scenery you use.

Lewis was lit all the time we were at Carmel (Pebble Beach, really) and left without saying good-bye to any of us! He's now on his way to K. C., where he'll stay till the weather gets too hot. He's then coming back to S. F. to do some of his new novel—he *says*: one can never quite trust such promises on his part. Any way, he's hardly likely to be at the Nation's dinner.

Their prize went, at least, to a much better poem than won last year's. I preferred the one that got 2nd prize, even at that.[23] I didn't regret at all, finally, *my* not winning, for M. accepted 'The Pathfinders' for the Mercury, paying me $100. for it, too! And I'd much rather see the poem in his magazine than in Van Doren's weekly wail.

That was the usual newspaper yarn about Emma Frances Dawson's death.[24] She died, apparently, because her vitality had come to its natural end. She had plenty of food, a good roof over her, $700. in bank, and as much attention from her neighbors as she'd permit, which was damned little. When her old-time friend Ina Coolbrith went to visit her, she would speak to her only through the locked door! And they'd not met for years. No—she was a natural recluse, and evidently wanted to die. She *was* a friend of Bierce, but I think he over-rated her work, even as he did mine. I never met her; wanted to, but was informed she didn't care for such sociability!

No—I never read 'The Good Girl.' Hope it's as good as 'The Lost Girl,' by Lawrence. Don't bother to have it sent to me: you description doesn't allure me!

You're always welcome to such copies of my damn poems as I have to send.

Yrs. ever,
George.

XIII

Mch. 30, 1926.

Dear Carey:

Not much news in this neck of the woods. Have just recovered from the only bad cold I ever had. Actually had to go to bed for it! A week lost out of my life.

Mike Gold[25] lived here for over a year—a decidedly lovable chap, and lots of fun. A Bolshevik, if ever there was one in the U. S. He went to Russia after leaving here, but is back in his beloved (imagine it!) New York now. I can't say that I recall Boyle.

The best time to see Carmel is when it's not raining nor foggy, and summer is its foggy season. You'll have to trust to luck. Sometimes it's foggy there for two weeks at a stretch. Anyhow, you can always find Jeffers in, and he is Carmel's main exhibit.

Dreiser wrote me that preface, a very flattering one, for 'Lilith.' The book should be out by Apr. 15th. Do what you conveniently can to boost it: I want to surprise the dubious publishers!

I saw Untermeyer when he was here—also Harriet Monroe. The latter visited Carmel for a day. She went to see Jeffers rather than the scenery, I think.

Don't burn that story: the world is *loosening up*.

Yours ever,
George.

XIV

Apr. 12th, 1926.

Dear Carey:

No doubt it's time I was replying to your letter, though I don't write often to any one *man*.

My pages in the 'Overland' have gross misprints in them, but will have few more—or the 'Overland' gets no more of my pages. They even had me mispelling Nietzsche in this last number—and me roasting the movie-morons on the same page! But that 'mispelling,' above, is my own invention!

'The Golden Galleon' discontinued publication.[26] Did you ever hear of a poetry magazinelet issued in Larned, Kansas? It's editor is one. I. H. Newman, M. D., probable a Yid.[27] He wants to get out a booklet or a pamphlet containing twenty of my sonnets. So I've sent him my twenty best, some of which haven't been in a book yet. Will send you one if he ever publishes it. He seems slow.

I don't know just what you mean by the 'initialed poetry' that I print. All I put in my 'Overland' page is my own stuff. 'N. M. F.' means Nora May French.[28] You have my hearty thanks-in-advance for anything you can do to put 'Lilith' over. I've not seen Ryder for a long time. He had an awful misprint in my Jeffers article in his 'Review'—nonageneity for *homogeneity!* All stuff one *gives away* is misprinted, God He knoweth why.

Beware of Methyl!
George S.

XV

Mencken exulted to me over his victory at Boston.[29] Keep the circular.

May 4th, 1926

Dear Carey:

I shouldn't be writing so many letters, but you intrigue my pen with your damned questions.

Of course you may call on Jeffers, though it may be of help if you 'mention my name.' Don't think him vexed at a possible intrusion if he appear very quiet. He is naturally taciturn (not exactly shy, though he gives that impression) and I have yet to get him to spout freely and 'do his stuff.' Mrs. J. usually does the talking. You will find her very likable and intelligent.

'Memorial' edition of 'Lilith' means nothing whatever, as far as I can see. John must think I'm soon to pass out!

I'll see that a copy of the Book Club '36 Sonnets' [*sic*] is sent you, if any are left. Six months ago they had a few still in stock. There were many errors in the printing, and *I read proof*!

I keep thinking I'm about to visit L. A., but it never seems to come off. In a few days I'm going down again to see Jeffers—I must take those twins to see the water-ouzels' nest, up San José creek (no relation to San Jose, Cal.)

'Lilith' is out, but the first copies were recalled, acct. typographical errors. Don't know when I'll get any.

Yrs. ever,
George S.

XVI

I fear for Lilith when 'all the sad young men' critics are done with it!

May 20th, 1926.

Dear Carey:

I'm glad you like 'Lilith,' old-fashioned though its diction may be, and doubly glad that you get its philosophy, for so few persons will do so. Even Drieser didn't quite get it. You will find, as you grow 'in wisdom and in grace,' how vastly embracing that pleasure-pain theory (?) is. Nothing can escape it. The very faquir lies on his bed of bristling nails for pleasure.

I first thought of 'Lilith' about 25 years ago, but carried the plot around in my mind till 1919, before I finally felt I could do it partial justice. As to having the Pasadena players use it, I am indifferent: they may if they care to, but I'd not even lift a pen to insure their doing so. I have small use for the actor and his 'art.' All folk connected with the amusement world seem to be rotters, undependable, ungrateful, dishonest, crazy with egotism and vanity. I don't know whether the life attracts rotters, or whether it makes rotters of them after they've become a part of it!

After which light diatribe I'll go on to say that I'd like to see Goldberg's article very much. Mencken has just sent back to me a 300-line narrative-poem I've lately written, involving Lesbian love.[30] He was scared to take a chance on it, saying: We'd only be bumped off again.' So it'll have to be 'for private circulation only,' I fear. Do you care for a copy?

I'll be very glad to see your review you're going to send to Ryder. It is most kind of you to boom the book, and once more I want sincerely to disclaim any *personal* eagerness for its success. I desire that solely on the publishers' account, to repay them for their somewhat Quixotic confidence in my work. I'd like to hand them a surprise, but have no great hopes.

In Nomine Diaboli,
G. S.

XVII

June 15th, 1926.

Dear Carey:

Here's a copy of the poem of which I told you. I regret that I've only this carbon to send; but you can at least get the plot. The Grabhorn boys purpose making a small (or thin) book of it, and when they do I'll see you get one.

Glad you liked the '35 Sonnets.' I failed to find one of the four main misprints. On page 42 it should read 'now foreruns.' If that isn't the one, 'soul' should be 'sole' on page 52.

I don't know when (or even if) Macmillan's will ask me for that new volume of lyrics. I suppose all will depend on how 'Lilith' sells. If it does well, they may want it this autumn or next spring. The book ('Lilith') has had some very generous reviews, notably in the Boston 'Transcript' and our S. F. 'Argonaut.[31] If you see any, lend them to me. And I hope you'll do me for the 'Review.' I've not seen Ryder for months, but think he'll ring me up soon.

I was in L. A. about three weeks ago, and expected to call on you. But as things turned out, I had to run for the 'Lark' on an hour's notice. Masters writes kindly of 'The Pathfinders,' saying it's 'superb.' He's to be in S. F. next month. I've just been in Carmel, on a week's visit with Jeffers. Am to write a brochure on him for Boni & Liveright.[32]

Pardon this very hasty scrawl. I owe many letters.

Yrs. ever,
George S.

XVIII

I'm unloading some clippings, old and new, on you.

June 22nd, 1926.

Dear Carey:

Thanks, no end, for your most kindly critique! I found no faults in it, aside from its over-generosity; and I should be the last one to complain of that! You can surely wave a wicked pen, for one so young, and I only hope you'll be able to care as much for my poetry as time boils you harder and harder: the tendency with advancing years is to care more for the E. A. Robinson stuff.

Glad too that you care so much for 'Strange Waters.' I find I have *two* missing pages from copies I've sent away, so if you'll let me know the number of *your* missing one, I'll forward it at once.

The Grabhorns expect to print the poem, but it will be for gifts—none for sale. Probably not more than a hundred will be issued; but I'll see you get a copy. A young friend here is having one of *his* friends print a cheap edition of it, soon. About 200 copies, I to get 100. So I can let you have a few of those.

I met Ford[33] once—didn't know he was an old fogey. But I think he'll be glad to get your review.

Am off now to a Yid banquet that includes champagne!

Enviably thine,
George.

XIX

July 22, 1926.

Dear Carey:

Here are the missing pages. The *book* isn't yet out.

Masters was here for over a week, I've been out of town, also on a protracted 'boom,' or you'd have heard from me ere now. On Saturday I go up to the Grove for nine days. Have sworn to stay sober; but was I sober when I swore? The only other thing of mine the Book Club has published is 'Lilith'—price six bucks!

I enclose my bibliography [*sic*]—a nice time you'll have, getting that list! Tho the only hard ones will be The Triumph of Bohemia and To a Girl Dancing. I doubt if you *can* get the former, a mere pamphlet. As to the latter, I know a man who has one and asks $20. for it!

I have the Aitken[34] bas relief here in S. F.

Don't know what Mencken thinks of 'Lilith,' but he promised to mention it in the Mercury. I've a notion its idealism will not appeal to him.

I've not seen The Review yet—has it appeared?

I want you to meet an old sweetheart of mine, now in L.A. She is much older than you, but a superb and passionate creature. She's a steno. Writes me she's lonely (she lately left S. F. and knows no one in L. A.) and 'wants a drink.'

No time for more now: I owe 31 letters by actual count.

Yours ever,
Geo.

Can't fix up those books for you till next month.

G.

XX

Aug. 3rd, 1926.

Dear Carey:

Thanks for the Reviews, and more for your kind and very able review of 'Lilith'![35] Naturally, I think it's 'able.'

I'm back from a week at the grove, and feeling none too good, what of getting about three hours' sleep a night. And I had to stay on the wagon the entire time, being Sire.

My play ('Truth') was a tremendous success, and the most beautiful thing I ever set eyes on. Will send you the book in a day or two. The others I've signed and will leave with Newbegin.

You've not said that you want to meet the young woman of whom I wrote you, but she wants to meet you, and has sent me her 'phone number, Westmore 2331. I sincerely hope you'll meet her, if it's only to throw a drink or two into the poor, lonely thing.

I've forty letters to reply to, so no more now.

In Nomine Diaboli,
George.

XXI

Aug. 25th, 1926.

Dear Carey:

I didn't even know that O'Neill was in California, and so, naturally, I can't say whether or not he has left it. I wish I might have seen him. He's the real thing. I've not yet seen his 'Great God Brown,' but hope to, some day.

Of course Sinclair would be glad to see you. Ring him up and make an afternoon or evening appointment, mentioning my name. His 'phone number used to be Colorado 2261.

I hope you realize that I vastly appreciate all *your* appreciation of my work, whether you speak or print it. I hope some day to be able partially to repay such kindness.

Have just finished a 6650 word article on Jeffers for Boni-Liveright, who will issue it as a brochure. I will send you one.

Yrs. ever,
George.

I hope you'll soon call on Grace. She is damned lonesome!

G

XXII

Sept. 11, 1926.

Dear Carey:

I'm glad you had such a pleasant jaunt. Wish it had been up this way. I'll sure be here when you're up in Nov. For one thing, Mencken says he is to visit me then. "What a meeting!" he writes, visioning, it may be, my fall from the joyless wagon. 53 days now, though of course it seems longer. I've been twice in The American Parade[36] already—Jan. and Mch. numbers. I think you'll like the magazine, which runs some stuff that many periodicals wouldn't dare publish. Read "The Crusader," in their July number. It's by a young chap (met him yesterday) who's in the pilot-commission office at San Pedro—name Adamic.[37] He was in the war. If you don't get a move on and meet Grace, I'm going to call him to her rescue. The girl is bored and thirsty. Have a heart!

I don't know who De Castro[38] is. Of course an understanding of his times is necessary to an understanding of Bierce (a complete one), as it is to any man.

I doubt if Mrs. Sinclair ever gets "better." She ruined her health out of sheer indignation over social injustice! A *very* fine woman, and once a beautiful one. Ay di mi, Alhama!

Mencken ran 'The Dryad' in the Smart Set, anywhere from seven to ten years ago. But I thought it worth while to try it again in Overland.[39] Wait till you see my text blast there, on the mob, Valentino and Miss Ederly! [*sic*][40]

In Christ,
George.

XXIII

Am now 94 days on the wagon.

Oct. 21st, 1926.

Dear Carey:

I've not written till now because I've been waiting to hear from Mencken and learn when he expects to be in L. A. He wrote me on Oct. 1st, but his stenographer misdirected the letter, and it wasn't returned to him till the 12th.

He writes that he expects to reach L. A. on Nov. 2nd, and will wire me when he does. Intends to stay there a week, I'd like to have you bring him and Grace together. But he writes he'll have to watch his step when in L. A. Give him a chance anyway.

He says he'd rather see me 'than all the literati west of Pittsburgh,' which *is* going some. Well, I'll have at least seven full quarts of prescription sherry (imported) by the time he's here; and my cousin promises to come to the fore with a lot of his pre-war wines. So all should be well.

The burlesque of my 'Truth' was a wow. Theme, gonorrhea, and all the main participants had it by the end of the play!

I never see nor hear from Ryder, so don't know what he can be sad or grouchy about. Maybe Miss W.[41] is tired of digging up for the 'Review.' Cerf, of the Modern Library, wires me asking if I'll write an introduction for Bierce's 'In the Midst of Life,'[42] and of course I've accepted. Only $50., but I'd do it gratis, if only to boom the old Titan (who doesn't need it). As he used to write,

'May God be with you, but inattentive!'

As ever,
Geo.

XXIV

Oct. 29th, 1926.

Dear Carey:

Mencken writes, on the eve of departing from New Orleans, that he'll put up at the Ambassador.

If you can bring him and Grace together, do so. But he writes that he knows several gals in L. A., 'two of them dangerous when excited.' Anyhow, he's strong for the hooch.

Yours in Xt.,
George.

Your special delivery letter is a surprise. Mencken wrote he was to be in L. A. 'about Nov. 2nd,' as he expected to put in some time in Texas and maybe Oklahoma. He must have cut out that part of his program. I've written to him about you and of course he'll see you. Better have him meet Adamic too. I'm writing to him at once and will mention you, so you'll need no more introduction. His weekly articles appear in the 'Chronicle' here.

George.

XXV

Nov. 8th, 1926.

Dear Carey:

I'm glad you saw Mencken, but it's too bad he couldn't have given you more time. Well, he's sorely beset, and then, a friend's friend seldom gets all he deserves, however deserving.

Yes—I saw Danziger's article. Don't know why he used the nom de plume, unless he's ashamed of the dirty and deliberate lies he filled it with, though it *was* he who showed Bierce the translation (probably his) of 'The Monk and the Hangman's Daughter.' But imagine Bierce working for De Young, or trying to get a job with the Southern Pacific, both his betes noires!

Danziger is the chap over the head of whom Bierce broke his cane (see my Mercury article on Bierce). I'm now finishing an introduction to his 'In the Midst of Life,' soon to be re-issued by the Modern Library, and shall call attention to this new version of his fate—and to D's mendacities, vented in the Parade as a deferred revenge. Bierce must indeed be dead for D. to take such a risk! Menck. writes he won't be here till the end of the week. He says he's tied up with Hergesheimer, but I'm replying that I think a cinema cat has her claws in him and that he'll wind up as a high-priced comedian with Mack Sennett! Well, when he does come he'll get one hell of a welcome. The newspapers, Civil Liberties League, Press Club and three hen-clubs have me on the 'phone daily, to learn just when he'll arrive or to ask me to get him to patronize them.

Have you introduced Adamic to Grace yet?

Yrs. ever,
George.

NOTES

1. See *Argonaut*, LXXXXVI (March 14, 1925), 23.

2. See *American Mercury*, VI (September, 1925), 10-19.

3. *The Letters of Ambrose Bierce*, edited with introduction by Bertha Clark Pope, with a Memoir by George Sterling (San Francisco: The Book Club of California, 1922).

4. Sterling is probably referring to *Twenty-One Letters of Ambrose Bierce*, edited with a note by Samuel Loveman, (Cleveland: George Kirk, 1922).

5. Bierce seems to have published four books under the name of Dod Grile: *The Fiend's Delight* (London: John Camden Hotten, 1872); *Nuggets and Dust* (London: Chatto and Windus, 1872); *Cobwebs*, "Fun" Office (1873); *Cobwebs from an Empty Skull* (George Routledge and Sons, 1874). This last is a second issue of the third item.

6. William Herman, *The Dance of Death* (San Francisco: Henry Keller & Co., 1877). This is the first market edition of an attack on the waltz written, apparently, by Ambrose Bierce and Thomas A. Harcourt. The "William Herman" refers to William Herman Rulofson who financed the book but wrote none of it.

7. See *The Dumbook*, I (July, 1925), 81-84.

8. Herman George Scheffauer, architect and poet, committed suicide in Berlin, October 7, 1927.

9. Ruth Guthrie Harding, poet and essayist, author of "Mr. Boythorn-Bierce," *The Bookman*, LXI (August, 1925), 636-643.

10. I assume this refers to Edmund Weeks, a correspondent attached to Villa's forces and later publisher of a newspaper in Mexico City. Weeks, without insisting upon its authenticity, provided one of the many stories about Bierce's disappearance.

11. Sterling's *The Testimony of the Suns and Other Poems* was first published in 1903 by W. E. Wood, San Francisco.

12. Roosevelt Johnson, boyhood friend of Sterling's, who came to California a year after Sterling in 1891, died in Los Angeles in 1931.

13. *Overland Monthly*, LXXXIII (October, 1925), 384.

14. David Warren Ryder, joint editor with G. I. Marten of *Dumbook*. This magazine changed its name to the *San Francisco Review*, November, 1925.

15. A column Bierce conducted successively in *The Argonaut*, *The Wasp*, and the San Francisco *Examiner*.

16. Eli Siegel, "Hot Afternoons Have Been in Montana," *Nation*, CXX (February 11, 1925), 147-148. This is a sprawly Sandburgian piece.

17. *The Dumbook* became the *San Francisco Review* in November, 1925. Sterling published a poem titled "Repartee" in the *Review I*, (December-January, 1925-1926), 215.

18. George R. Hyde, Los Angeles newspaperman, writer, and press agent. He committed suicide in 1932.

19. See *American Mercury*, VII (February, 1926), 220-229.

20. Paul Barnitz, born 1877, died 1902, "of drugs." Published one volume of poems, *The Book of Jade* (San Francisco: Doxeys, 1901.) He echoes, faintly, Baudelaire, Gautier, Dowson, Swineburne, Wilde.

21. Presumably refers to Delphin Michael Delmas, born 1844, died 1928. Delmas was a leader of the California bar for many decades. He gained national prominence in 1907 as a defense attorney in the first trial of Harry K. Thaw for the murder of Stanford White.

22. At the top of the fifth page of this letter is written: 'Intended giving Lewis a note to you, but he left too suddenly.'

23. Babette Deutsch, "Thoughts at the Year's End," *Nation*, CXXII (February 10, 1926), p. 143-144. This poem won first prize; second prize was won by Leonora Speyer's "Ballad of Old Doc Higgins," *Nation*, CXXII (February 17, 1926), 179-180.

24. California poet and short story writer.

25. Real name Irving Granich; proletarian author and political journalist, died on May 15, 1967.

26. *The Galleon*, January of 1924 to Summer of 1925. It was a quarterly, published in Kansas City, Missouri. From October 1924 to Summer 1925 it was entitled *The Golden Galleon*. It published Sterling, W. R. Benet, Margaret Widdemer, etc. and was edited by Alfred Fowler.

27. *The Harp*, May of 1925 to February of 1932, Larned, Kansas. It published Sterling, Genevieve Taggard, Harold Vinal, Alfred Kreymborg, George H. Dillon, Mary Austin, Eunice Tietjens, etc. Its first editor was Israel Newman (May, 1925 to August 1926).

28. Nora May French, California poet and member of the Carmel group who committed suicide at the age of 26, November 14, 1907, in Sterling's Carmel cabin.

29. On March 31, 1926, J. Frank Chase, secretary of the Boston Watch and Ward Society, notified John J. Tracey, chairman of the Massachusetts Magazine Committee, that the April issue of the *American Mercury* was "objectionable." One magazine dealer in Harvard Square was arrested. Mencken, after discussion with his publishers and Arthur Garfield Hays, agreed to sell a copy of the banned periodical on Boston Common. It was arranged that on April 5 Mencken would sell a copy of the April issue of the *American Mercury* to Mr. Chase and thus get himself and the *American*

Mercury into court. This was done. Mencken appeared in court the next day, and the following morning Judge J. P. Parmenter found for the defendant.

30. Presumably "Strange Waters" which deals with a supposed love affair between two Lesbians, who turn out to be a young man and a young woman.

31. See Argonaut, XCIX (June 12, 1926), 8.

32. Published as *Robinson Jeffers: The Man and the Artist* (New York, 1926).

33. I assume this refers to Thomas F. Ford, who conducted the Los Angeles *Times* Literary Page at this date.

34. Presumably Robert I. Aitken, very well known American sculptor, born in San Francisco, 1878.

35. See *San Francisco Review*, II (July-August, 1926), 35-38.

36. *The American Parade*, 1926, lasted for four issues. It published Sterling, Louis Adamic, Orrick Johns, Gamaliel Bradford, etc., and was edited by W. Adolphe Roberts.

37. Louis Adamic, born Yugoslavia, March, 1899, committed suicide, September, 1951, writer and editor.

38. Adolphe de Castro, originally called himself Gustav Adolphe Danziger. He was Bierce's collaborator in *The Monk and the Hangman* (Chicago: F. J. Schulte & Company, 1892.)

39. See *Overland Monthly*, LXXXIV (September, 1926), 293-294.

40. In "Rhymes and Reactions," *Overland Monthly*, LXXXIV (October, 1926), p. 328. This is Sterling's monthly page.

41. Marie de Laveaga Welch, poet and sometime editor of the *San Francisco Review*. She married George West, journalist, in 1934. She published *Poems*, (Macmillan, 1933); *This Is Our Own*, (Macmillan, 1940).

42. Published by the Modern Library in 1927.

NEW BOOKS

K-344, or the Indians of California vs. the United States. By Kenneth Johnson. (Los Angeles: Dawson's Book Shop, 1966, 97 pp. $7.50.) Reviewed by Andrew Rolle.

Anyone who has ever been involved in the defense of Indian rights will appreciate this slight book, with its introduction by a lawyer, its structure cast in a legal mold. "Case Number K-344" was only one law suit of the many filed on behalf of the California Indians in the past half century. But it was an important decision, with sad overtones. The origin of this dispute lay in the broken promises made to Indians since the 1850's by the federal government. Acting through bumbling and sometimes corrupt local commissioners and agents, the government made a succession of historic agreements. The majority of these were never kept. In the 1930's, as California's attorneys general, Earl Warren and later Robert Kenny, sought to obtain from Washington payment of $1.25 per acre for lands allotted the Indians as their property. As a result of Case K-344, the rights of various groups of "treaty Indians" came to be appraised at $17,500,000. But, in 1944, after some fifteen years of litigation, the Indians were finally awarded only $5,165,863.46. This sum, furthermore, was placed in the United States Treasury—to be made available by Congressional appropriation under extremely confining terms.

Such governmental niggardliness characterized United States Indian relations. Thus, after World War II a series of legal claims against the federal government were lodged by the Indians, in which professional historians became involved as consultants for the first time. This book, however, is concerned primarily with one earlier case, K-344, a case which nevertheless marked a terminal phase in the record of Indian mistreatment. The book offers the reader a sort of epilogue, entitled "Later and Today," which reviews the results of land litigation by California's Indians since 1943—including the atypical experience of the relatively affluent Palm Springs Indians.

A book such as this one, legalistic and generally noninterpretive though it may be, calls to mind the status of Indian social history in this country today. Serious scholarship about the American Indian has traditionally been a kind of patchwork. Beginning with Helen Hunt Jackson's epochal but controversial tract, *A Century of Dishonor* (1881), to William T. Hagan's more moderate but skimpy *American Indians* (1961), this field of writing has been, at turns, polemical, exhortatory, and filiopietistic. Traditionally respected authorities in the field—Grant Foreman, Clark Wissler, George E. Hyde, and John Collier—are gone. Books like this remind us of the need to modify a distorted historiography, to stress the cultural values of both Indian and white, and to merge the traditional research methods of the historian and the broader cultural approach of the anthropologist to achieve scholarly balance. Almost monographic as literature, this book is documented and, in its category, informative. It advances knowledge of the Indian dilemma toward a better understanding of a complex subject. The book also helps to dispel the distorted ethnocentric caricature perpetrated by the movies, TV, and a host of western hack writers.

Awkward in befriending the Indian, his white masters first made up the fiction that he was a member of a "nation," and later treated him as a ward of the federal government, rather than as a member of these "nations" with which government treaties had been signed. The Dawes Act of 1887 culminated a white policy of tardy accommodation. By then Caucasian confusion of attitudes was chaotic. We are, indeed, still divided as to how we should solve the Indian problem. The roots of failure to manage their plight are sunk deep in the American past. Expiation of guilt late in the Indian record is implicit in the legal documentation upon which this volume rests. Although specialized, the book repays the attention of readers, both scholarly and general.

Andrew Rolle is Robert Glass Cleland Professor of History at Occidental College.

The Grizzly Bear: Portraits from Life. Edited, and with an Introduction, by Bessie Doak Haynes and Edgar Haynes with Drawings by Mary Baker. (Norman: University of Oklahoma Press, 1966. 386 pp. $5.00.) Reviewed by Nicholas P. Hardeman.

Wild animals have written large chapters in American history. Beaver, buffalo, deer, sea otter, and seal can take their rightful places beside gold, silver, and land as momentous movers of men in early America. The grizzly bear, once an inhabitant of the trans-Mississippi West from Alaska to Mexico, exerted a different kind of force on history, making an indelible impression on every westerner who crossed its path, and threatening—although not seriously retarding—the conquest of the West.

The grizzly was capable of adapting itself to a wide variety of environments. It could hibernate through cold periods when food was scarce. It was omnivorous, subsisting on an immense variety of food, from foul carrion to fresh kills, from berries to bark, and from insects and grass to the flesh of its own species. Weighing sometimes as much as a ton, and possessed of great power, vitality and cunning, it was almost entirely unchallenged until the advent of firearms. Even then ". . . a wounded grizzly will not stop for one to reload his gun. . . . He means blood! Fifty bullets that are not placed in the proper spot will not stop him; and you can't back out once he accepts your challenge" (p. 301). The very ferocity of the beast was his undoing, for, wherever men or livestock were to exist in safety, the grizzly had to be killed. Today, except in remote parts of Canada and Alaska, this bear is a rare animal.

In substance, the Haynes anthology projects the foregoing portrait of the grizzly bear again and again. There are forty-eight selections of bear fact and fantasy, all previously published in scattered accounts. Those authored by such adventurers as Meriwether Lewis, David Thompson, John Bidwell, J. D. Borthwick, G. F. Ruxton, Washington Irving, and Theodore Roosevelt will be of most interest to historians. To review the entire volume as history would be unfair, since it is either more or less than history: it is partly folklore, yarn, and zoology. The numerous accounts depicting confrontation of man or bull and bear, and the portrayal of conditions facing the early westerner are important history. Perhaps some of the repetitive material could have been replaced by other selections such as the story of Jedediah Smith's near-fatality at the hands of a grizzly and an account of the most famous of all bear hunts on the continent, that led by California Governor Pedro Fages in 1772.

The editors are enthusiastic students and residents of the West. Their brief Introduction (which takes a rough state by state census of existing grizzlies), a short Bibliography, biographical sketches of contributing authors, and a dozen fine illustrations add balance to the volume. The result is neither an original nor highly significant contribution to history, and probably was not intended as such. It is fascinating reading for anyone who is interested in bears.

NICHOLAS P. HARDEMAN, who received his doctoral degree from the University of California at Berkeley, is professor of history at California State College at Long Beach.

The Original Journals of Henry Smith Turner: With Stephen Watts Kearny to New Mexico and California, 1846-1847. Edited, with an Introduction, by Dwight L. Clarke. (Norman: University of Oklahoma Press, 1966. 173 pp. $5.00.) Reviewed by W. W. Robinson.

Out of the research done by Dwight L. Clarke for his landmark biography of Stephen Watts Kearny, came the inspiration for presenting Captain Henry Smith Turner's journals and letters. The files of the Missouri Historical Society in St. Louis, consulted heavily on the Kearny project, contained a typewritten copy of the journal which Turner kept in 1846 as he accompanied Kearny to New Mexico and California. That discovery sufficed to set Clarke off on a second research binge which upturned the facts about both journals, letters from Turner to his wife, and the fascinating data of Turner's life. The results appear in this compact and interesting volume, which is a follow-up, but much more than a follow-up, to *Stephen Watts Kearny—Soldier of the West.*

The 1846 journal is unofficial, frank, and graphic, covering the trip from Ft. Leavenworth to San Diego. Designed to be read by no one except possibly his wife, it describes the countryside, the animal life, the weather, the Indians, the patient mule Betsey, the characters Turner met, American and New Mexican, with constant expressions of unhappiness over the diarist's wandering, military life. Typical, nostalgic entry: "God grant I may be able to pass the remainder of my life with my darling wife and children—it is of this that I think before all other things."

Unfortunately the journal ends on the eve of the Battle of San Pasqual, though Turner fought bravely and suffered a wound. All we have of this important affair is a short account he wrote his wife after he reached San Diego from San Pasqual.

The Journal of 1847 is the official account of the return trip from Monterey, California, to Ft. Leavenworth—brief entries, involving distances and weather, little more.

The letters from Turner to his wife, covering an eight-month period during 1846 and 1847, are affectionate, abundant in description, with ample commentary on people and problems. As a sample, in Santa Fe he wrote that he had "no respect for the priesthood in this country. . . . It is notorious that they are the greatest debauchers, gamblers, and drunkards of the community."

The extensive introduction to the material in this volume, covering the carefully researched life of Henry Smith Turner, adds considerable to the value of the journals and letters. Civil War buffs will be particularly interested in the twenty pages devoted to Turner's unhappiness about the war. Turner was a Virginian, was related to prominent Southern families, yet had many Northern ties and believed in the preservation of the Union. There were four sad years for Turner, and biographer Clarke admits it is "not easy to define his position in the conflict." In correspondence with his friend General William Tecumseh Sherman, he expressed his strong opposition to the war. This biographical section is an interesting analysis of a man caught up in ambivalent emotions.

W. W. Robinson, author of numerous books on California, and especially Southern California, is a foremost authority on the history of the state.

An Arizona Chronology: Statehood, 1913-1939. By Douglas D. Martin; edited by Patricia Paylore. (Tucson: University of Arizona Press, 1966. 206 pp. $4.50 [paper].) Reviewed by Andrew Wallace.

This, the second part of the late Professor Martin's *Chronology*, is a most useful tool for any student of Arizona's past. The title is a misnomer, for the book is neither a complete chronology of historically significant events nor a connected chronicle of the times. It is rather a guide to historical material in Arizona newspapers. For each year, Martin selected the most newsworthy events that were reported by thirteen Arizona papers. For each event, he summarized the news story in less than seventy-five words and entered it after the date. At the end of the volume is an excellent subject index. Thus, for instance, if one is interested in the Boulder Canyon project, the Index will lead him to more than seventy newspaper stories, each of which is summarized by the author. Having the date and source, and access to the newspapers, it should be an easy matter to get at the full text of an article if Martin's capsule seems of interest.

Comparison of this work with the earlier part is inescapable. Without depreciating the storehouse of information contained in the *Chronology* of "The Territorial Years, 1846-1912" (published in 1963), it is fair to say the second part is vastly more useful and valuable. In the first place, the second volume is twice as large and covers half the time period in greater detail. Moreover, it is based almost entirely on newspaper sources–the material Martin knew perhaps better than anyone else in Arizona–while the earlier book was necessarily researched from many diverse sources that included much erroneous information. Best of all, this second part shows evidence of the excellent editing by Patricia Paylore, formerly the librarian of the University of Arizona.

This work should be used with the same caution one should always use in handling newspaper sources. Martin's summaries cannot be more accurate in reporting than was the original paper, and contemporary reporting is always subject to error. Contemporary reporters are not always prescient, either, and many events which in retrospect seem significant went unnoticed in the press. Part Two of *Chronology* will find a place in every collection of Arizona history.

ANDREW WALLACE is chief of research at the Arizona Pioneers' Historical Society, Tucson, and editor of their quarterly journal.

On the Mormon Frontier: The Diary of Hosea Stout. Edited by Juanita Brooks. (Salt Lake City: University of Utah Press, 1964. 2 vols. $17.50.) Reviewed by James B. Allen.

With the publication of *On the Mormon Frontier* Juanita Brooks adds another monumental work to her growing list of significant studies on Mormon history. *The Mountain Meadows Massacre,* published by Stanford University Press, has become the standard work on this tragic 1857 affair. Following this publication, Mrs. Brooks collaborated with Robert Glass Cleland in editing *A Mormon Chronicle: The Diaries of John D. Lee*, published by Huntington Library. This now indispensible two-volume work gives valuable insight into such things as polygamy, Mormon social customs, and Utah's territorial politics. Next Mrs. Brooks wrote the definitive biography of John D. Lee, which was published by Arthur H. Clark Company. With *On the Mormon Frontier*, the University of Utah Press and the Utah State Historical Society have done themselves proud by joining other important publishers in making more of Mrs. Brooks' scholarship available.

The diary of Hosea Stout opens March 4, 1844, at which time Stout was chief of police in the Mormon-built city of Nauvoo, Illinois. The recent murder of Joseph Smith, the repeal of the Nauvoo city charter, and the rising harassment leading to the final expulsion from Nauvoo in 1846 made this a period of particular tenseness, all of which is reflected in Stout's matter-of-fact account. Instead of going to Utah in 1847, Stout spent the winter of 1847-1848 at Winter Quarters on the banks of the Missouri River, and his diary gives an intimate picture of this somewhat neglected phase of Mormon pioneer history. Stout crossed the plains in 1848 and in Utah he became a leading member of the Salt Lake City council. He participated in at least one exciting punitive expedition against the Indians, took part in the many activities connected with building a new society in the West, and went on a mission for the church to Hong Kong. In each of these capacities his diary presents telling insights into the problems, plans, and accomplishments of the Mormons in Utah.

The Hosea Stout diary must be praised on at least two counts. First, Stout himself, along with many other early Mormons, seemed to have a pressing sense of obligation to record important events and experiences and, since Stout participated in so much that is important to Mormon history, we have in his diary a profound collection of the "stuff" history is made of. His grammar is at best halting, but this makes it all the more stimulating as the reader becomes acquainted not only with much of the inside story of Mormon history, but also with the man. Secondly, Mrs. Brooks can only be praised for her superb job of editing. Brief life sketches are given of every important person mentioned in the diary. In addition, Mrs. Brooks frequently has gone to great pains to trace down other references to a story, to complete a story not fully told by Stout, or to give additional material which would add to our feeling for the local color. The footnotes are almost as exciting as the text itself, and this combination of Stout and Brooks is already a "must" for any serious collector of Mormon Americana.

Mrs. Brooks' splendid editorial work is illustrated on almost every page. With reference to Mormon polygamy, for example, she points out that during the Nauvoo period the men who took plural wives were extremely sensitive about making it public knowledge. Stout was one of these men, but not even in his diary did he admit that he was living with more than one wife. On June 30, 1845, for example, he wrote that he went in company with Amasa Lyman and Charles Shumway to Shumway's house. Soon a Brother Scoville and Allan Weeks arrived, along with Weeks' wife and two of her sisters. According to Stout, they heard a "short address" by Lyman which edified them all, after which they drank some wine and departed. In her sleuthing, Mrs. Brooks discovered that this is the date given in the Stout family Bible for Hosea's marriage to Marinda Bennett, making her his plural wife, and that Amasa Lyman performed many of the plural marriages at the time!

A choice tidbit of local color is given in connection with the celebration of July 24, 1849. This was the anniversary of the entrance of the pioneers into Salt Lake Valley, and Stout told of the large dinners and many speeches which were given. In the footnote Mrs. Brooks expands by quoting from the diary of Lorenzo Brown, and the quotation is a perfect illustration of the curious mixture of genuine patriotism with disgust for what the Mormon felt was declining public morality in Washington. As part of the celebration, twenty-four bishops marched to the stand behind a brass band, each carrying a flag. They were followed by twenty-four young men each carrying a sheathed sword in his left hand and the United States Constitution in his right. Then came twenty-four young ladies carrying the Bible and the Book of Mormon, followed by twenty-four old men carrying flags. After speeches and dinner, Parley P. Pratt, one of the most literate Mormon leaders, proposed a toast to Deseret (the name under which the Mormons were petitioning for statehood): "Deseret. . . Youngest member of the family. May she be a comfort to the old lady in her declining years." Jedediah Grant, one of the most colorfully outspoken Mormon leaders, then proposed another: "Martin Van Buren & all mobocrats may they be winked at by blind men kicked cross lots by cripples nibbled to death by ducks & carried to Hell through the keyhole by Bumble Bees." Such choice supplementary descriptions are provided throughout, making *On the Mormon Frontier* not only a wonderfully intimate account of a man, but also a most revealing source for the study of an epoch.

James B. Allen is an associate professor of history at Brigham Young University.

John Spring's Arizona. Edited by A. M. Gustafson. (Tucson: University of Arizona Press, 1966. 326 pp. $7.50.) Reviewed by B. Sacks.

Young Johann Arnold Spring, an intelligent and educated Swiss immigrant, stepped off the gangplank in the harbor of New York in June of 1864, and within hours enlisted in the Union Army. Having reinlisted in the Regular Army at the war's end, he was shipped to Arizona as a private in the 14th U.S. Infantry. After being mustered out in 1868 he linked his destiny to the young territory, where he spent the remainder of his active years. In 1902 and 1903 two serials written by Spring appeared in the Washington, D. C., *National Tribune*. The first of these, "With the Regulars in the Sixties," recounted his colorful and dramatic experiences while stationed in various military posts in southern Arizona. The second, "Troublous Days in Arizona," dealt with his reminiscenses after completing his Army stint. A shrewd and articulate observer, he had previously published a great many articles in newspapers and journals here and abroad. The two serials were based on these earlier publications, his diaries and scrapbooks, and his excellent, but by no means flawless, memory. Dr. A. M. Gustafson, director of guidance services for the public schools in Tucson, because of his interest in early schoolmasters, made a careful study of the life of John Spring, who in addition to his other accomplishments was Arizona's first public schoolteacher. In the belief that Spring's serials were of great historic value but not sufficiently well-known, Gustafson decided to reprint them and has added a useful Introduction which contains interesting biographical material on the talented pioneer.

Spring is at his best when he recalls events concerning which he had firsthand knowledge. His recollections make for absorbing and exciting reading as he relives his personal experiences as a soldier on the untamed frontier, and tells of numerous encounters with the Apaches. He covers a wide range of subjects in his reminiscences of territorial pioneers and events in the course of his diversified career as soldier, farmer, clerk, bookkeeper, brewer, barkeeper, court interpreter and translator, schoolteacher, writer, artist, and naturalist. He devotes sections to the customs and superstitions of the Pima and Apache Indians, to the Camp Grant Massacre of 1871; spins yarns about Cochise; relates his experiences as a pioneer educator; and presents the reader with a graphic description of Tucson's famous public lynching in 1873. Spring is no literary virtuoso, but his writing is lucid and not without a certain flair, and his material is interlarded wth humorous passages and anecdotes.

In view of the editor's remark that "John Spring was an important contributor to our present knowledge of early Arizona," it would have been well had this university-sponsored volume been combed for historical errors and appropriately annotated. A careful check would have revealed a number of inaccuracies, only a few of which can be listed here: Fort Buchanan was not renamed Camp Crittenden (p. 52); Sylvester Mowry did not locate the Mowry Mine which he did not work "about 1856," but bought the *Patagonia Mine* in April of 1860, after which it was renamed (p. 96); Old Camp Grant was not established in 1856 (p. 104); Cochise died in 1874 and not in 1878 (p. 149); Charles D. Poston, "Father of Arizona," died at the age of seventy-seven and not eighty-two (p. 229); when former U. S. Marshal Milton B. Duffield, brandished his revolver in court to prevent being disarmed, he was being tried not because of an altercation with Fred Maish, a future mayor of Tucson, but for assaulting Pierson W. Dooner, editor of the Tucson *Weekly Arizonan* (pp. 265-66). Spring's mistakes, many of which are of a minor kind, will not, however, prevent the reader from relishing the informative, entertaining, and highly personal recollections of his many adventuresome years on the Arizona frontier.

B. Sacks, a medical doctor, is a distinguished Arizona historian and is the historical consultant to Arizona Historical Foundation.

Old Greenwood. The Story of Caleb Greenwood: Trapper, Pathfinder and Early Pioneer. By Charles Kelly and Dale L. Morgan. Revised Edition. (Georgetown: The Talisman Press, 1965. 360 pp. $8.50.) Reviewed by John A. Hawgood.

This is a complete "re-make" of an earlier book, published under the same title in 1936 by the Western Printing Company of Salt Lake City in a very small edition. Mr. Kelly was the sole author of this first edition, and he explains, in a very modest Preface he has contributed to the revised edition (pp. 10-11), how very different from the old the new book is. He rightly points out that the first *Old Greenwood* was "a pioneer work. . . impressionistic in tone, and subject to amplification in all its details. . . . Some of my preliminary findings were validated, but others were overturned by fresh information. . . . Only paragraphs survive here and there from the earlier book in that now published." So much co-operation and collaboration did Mr. Kelly receive from Dale Morgan, that most skilful of mountain man biographers, in preparing the new edition, that he insisted on

Mr. Morgan's name appearing beside his own on the title page, and he claims that "What is now offered to students of Western history is, in substance, a documentary history of Caleb Greenwood."

This claim is justified by the book. Although Mr. Kelly also remarks, "This is not the last word about Old Greenwood; God forbid!," it is probably as much as most people will ever need to know about him. He was, as Mr. Kelly admits, one of "the lesser mountain men," but although he may not have been among the Paladins with Jedediah Smith, Kit Carson, Jim Bridger and "Broken Hand," he stood high in the second rank. Caleb Greenwood was no more a hero than was Old Bill Williams (whom he at many points resembles) and just as disreputable a character, but he knew his job, had the map of the West in the palm of his hand and played a significant role in facilitating and channeling the overland migration. He was with Manuel Lisa as early as 1809, and possibly a year earlier, right in the footsteps of Lewis and Clark, and ahead of the Astorians. He lasted at least until 1849, his eighty-seventh year (as far as can be ascertained). He spoke his own epitaph and Edwin Bryant happened to be along to write it down for him in 1846, and to publish it in *What I Saw in California*: "I am an old man—eighty-three years—it is a long time to live. . . . I have seen all the Indian varmints of the Rocky Mountains—have fout with them—lived with them. I have many children—I don't know how many, they are scattered; but my wife was a Crow. . . . I can't see jist now as well as I did fifty years ago, but I can always bring the game or the slinking and skulking Injun. . ." (pp. 310-311). His numerous progeny (the subsequent careers of whom the authors make energetic efforts to follow) tended to bear famous names, among them Boggs Greenwood and William Sublette Greenwood. He had a grand-daughter still living in 1933, and "the mark of the family remains—on California geography, with Greenwood Valley in Eldorado County, and Greenwood Creek, Ridge, and Town in Mendocino County; and above all, on the broad and splendid fabric of Western history."

John A. Hawgood is professor of American history at the University of Birmingham in England.

Christian Seed in Western Soil. By Harland E. Hogue. (Berkeley: Pacific School of Religion, 1965. 276 pp. $4.75.) Reviewed by Francis J. Weber.

This attractively bound tome relates the centennial story of the Pacific School of Religion, an interdenominational theological institution founded at San Francisco in 1866, moved to Oakland in 1870, and located at Berkeley since 1901.

The author, an acknowledged expert on religious developments in the Golden State, traces his institution's growth with a strict eye to the historian's sacred dogma of objective truth. Dr. Hogue's competence as a researcher is further enhanced by the forty-two pages of detailed documentation augmenting the text itself.

There are, of course, some minor details worthy of attention in a future edition. The author might want to rephrase, for example, his appellation of the Pacific School of Religion as "the oldest theological school west of the Mississippi" (p. vii). That title really belongs to Saint Mary-of-the-Barrens Seminary (Perryville, Missouri), founded in 1818 and incorporated by the Missouri General Assembly in 1822.

Too often in the telling of an institution's history, authors are engulfed in self-adulation, parochialism, and the dubious desire for emotional reminiscence. These natural tendencies were overcome in *Christian Seed in Western Soil* in a manner worthy of emulation by those faced with similar historical tasks. By his abundance of details, critical acumen and accurate portrayal of facts, Dr. Hogue has produced a fitting monument for the college which he serves.

The Reverend Francis J. Weber, an outstanding authority on the Catholic history of California, is the archivist for the Archdiocese of Los Angeles.

Fray Francisco Garcés: A Record of Travels in Arizona and California, 1775-1776. Translated and edited by John Galvin. (San Francisco: John Howell-Books, 1965. 113 pp. $7.50.) Reviewed by Michael E. Thurman.

With the publication of John Galvin's new edition of Fray Francisco Garcés' Travels in 1775-1776, scholars and booklovers alike will surely have reason for unstinting praise. The most famous among several lengthy *entradas*, the eleven-month, two thousand mile trek completed by Francisco Garcés in 1776 is a testimonial of Franciscan zeal and devotion by one of a special breed in the annals of Southwestern exploration—the missionary pathfinder. Francisco Tomás Hermenegildo Garcés became a legend in his own time, ministering to Indian and Spaniard and opening up new trails in the back country of Arizona, California, and parts of Mexico. He was beloved for his patience, his enduring humility, and his aggressive response to duty as a frontier missionary among the heathen: Garcés achieved the crown of martyrdom only five years after the successful completion of this visitation, dying in 1781 during the Yuma Uprising. In the present record, the venerable missionary compiled a thorough journal about the customs and living habits of numerous Indian groups along the Colorado River and in California. He was the first European to penetrate into the *tulares* region of the San Joaquin River Basin and into several other remote localities on the Colorado River. For this faithful translation and the complimentary work in art and layout by Lawton Kennedy, the historical profession is justly rewarded in receiving an hitherto out-of-print classic in Southwestern exploration.

By way of assessing the value of Galvin's work on Garcés, one is keenly aware of a contemporary "rush" or editorial trend toward reprinting older and more scarce narratives, biographies, and journals. Among present-day Southwestern states which figure in Garcés *Record of Travel*, California, Arizona, and New

Mexico all have undertaken sound propositions for the preservation and publication of original materials of just this sort. The scale of these new projects involves a complexity of administrative, educational, and popular co-operation, and yet the more recent literary products have been worthy of acclaim. Indeed there is a sense of quality infused with aggressive leadership about the projects for microfilming and exhibiting the Spanish-Mexican extant records of the past. John Galvin's editorial work and new translation must be counted as a timely and tasteful contribution to this new group.

The epic exploration of 1775 in which Francisco Garcés had been chosen to participate involved Lieutenant Colonel Juan Bautista de Anza and the opening of a supply and communication's route from the Sonoran provinces to San Francisco. Anza, of course, was imminently successful in guiding his Spanish-Mexican colonists from Presidio de Tubac to San Francisco Harbor. But meanwhile, Father Garcés stopped off at the Yuma Crossing, and from this spot he pursued his role of missionary to the Yuma, Mojave, and Apache nations of the Colorado River-Arizona interior frontier. This juncture (Father Garcés left at the Yuma Crossing in the latter months of 1775) is the take-off point for the *Record of Travels.* It is significant that during a majority of visitations the Franciscan missionary was unattended and unprotected with the exception of one trusted friend —Sebastián Tarabal—and perhaps the presence of roving Indian guides. The new edition is not only thrilling to reread (many can recall the earlier rendition of Garcés being carried across the San Joaquin River or balancing precipitously on narrow ledges above the Grand Canyon) but it is much more compact and handy in format than the Elliot Coues edition: *On the Trail of a Spanish Pioneer—The Diary and Itinerary of Francisco Garcés,* New York, 1900, 2 volumes.

While this new edition of Fray Francisco Garcés' explorations in 1775-1776 does not purport to be a publisher's or historical "first," there are several points to consider regarding its merits. First, one is called upon to evaluate the original manuscript for the respective editions and in this case they were different. Dr. Coues cites his source as "Diario del Padre Fray Francisco Garcés" manuscript of 212 pages in the Library of Bureau of American Ethnology at Washington. Coues in fact saw three existing copies of the original journal (now lost), and upon the basis of study and comparison chose the copy cited above. Mr. Galvin relates that his was also a copy—held in his own private collection—of thirty-two numbered leaves with the colophon, "Tubutama y Enero 3 de 1777. Fr. Franco Garcés." Galvin has either seen the other extant copies or directly collated them with his own and consequently there is evidence that his manuscript is historically the equivalent of Coues' document. Both editors noted the existence of a printed version among the *Documentos para la historia de México*—although not entirely believed to be as reliable as others.

Next, we are automatically forced to respect the outstanding editorial work of Elliot Coues, with his emendations and footnotes in the two-volume work of 1900. In the modern Journal (1965), much of the original style and the flavor of idiomatic expressions are retained but without recourse to copious footnotes and the long historical discourses employed by the former historian. In brief, the Howell-Books and John Galvin have turned out a thoroughly readable, yet accurate edition of the original journal of Francisco Garcés in his 1775-1776 explorations. Finally, we find the format of the new edition direct and simple: the Introduction presents the early details of Garcés and his assignment to missionary duties on the northern frontier of New Spain—San Javier del Bac. The body of the Franciscan's report has been divided into ten equal parts which in turn are followed by two appendix entries, Bucareli's "Well Done" letter to Garcés (August 9, 1777), and excerpts from a funeral oration in memory of Garcés and others who perished in the massacre of July 17-19, 1781. A modern map of the region Garcés travelled and the additional Pedro Font Map (1777) are valuable assets for keeping abreast of the indefatigable Fray Garcés.

In short, Galvin's new edition is a worthwhile contribution to the Hispanic Southwest in clear format including several full-page color plates. I am still puzzled about Dr. Coues pointed accusations that Father Garcés' companion, Pedro Font, was "cantankerous," but this is not within the scope of this current work. One would do well (in terms of book collector and professional teacher-historian), to keep a blank check ready for the purchase of future Howell-North Books pertaining to this newly recognized field of historical specialization.

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The Letters of George Catlin and His Family: A Chronicle of the American West. Edited by Marjorie Catlin Roehm. (Berkeley: University of California Press, 1966. 463 pp. $8.50.) Reviewed by Benjamin Draper.

If immortality lies in one's children and if grandparents feel particularly rewarded finding added assurance in yet another generation, then surely the tired bones of George Catlin are resting easier this year of 1966.

Marjorie Catlin Roehm has indeed honored her forbear, George Catlin, the too lately famous and too long unrecognized painter of the American West. Moreover the handsome edition of two hundred letters of Catlin and his family is of very considerable value in the literature of American history.

Three decades ago Catlin was unremembered, save by a few researchers who were beginning to dig into Western history. Today his extensive gallery of Indian portraits is freshly varnished and hung in the public areas of the Smithsonion. A dozen museums proudly exhibit other paintings formerly tucked away.

George Catlin's interest in American Indians was ahead of his time. His era was uncomfortably close to his subject matter. The Red Man was a menace and an obstacle. Too many people were living who had suffered or been thwarted by these pernicious pests.

Hardships of a century and more ago are detailed in Catlin's letters to his struggling family and in many of their replies. There is also much happiness and fruitful activity. The earliest letter, 1817, is addressed to young George at law school. The last, 1874, pleads for support for the purchase of the late artist's collections by Congress. The thirty-five letters from George reveal a remarkable singleness of purpose on his part, an almost unconscious sense of history, as he journeys to the headwaters of the Yellowstone or to the red pipestone quarry.

An all too brief Foreword, by Dale L. Morgan of the Bancroft Library where most of the letters repose, gives the reader the essential facts of the slim and perhaps slight literature about Catlin. Morgan's careful, descriptive pen, as always, makes for eminently satisfactory reading.

Without detracting one whit from the essence of the work, the letters, one must direct attention to the interstices. Mrs. Roehm has enormously brightened the book with sections which supply missing facts and backgrounds of the letters, the family's movements, and George's travels. These interlarded pages contain enough local and national history to fill in, or gently nudge the reader.

Such many helpful paragraphs by a capable, nay talented writer make one wish that Mrs. Roehm would next address herself to the task of a biography of her grandfather. It needs to be done, and she has already contributed mightily to the project.

George Catlin's triumphant as well as his lonely years need to be more fully described. Mrs. Roehm has the right consistency of respect and reality. George had an extra supply of ambition and optimism, she has written. Prosperity had given him many friends and poverty had lost them.

One also wishes that the grandchildren of those short-sighted members of the Congress and other government officials who, whether perversely or not, made the old gentleman unhappy and desperate during his declining years, would squirm a bit because of the behavior of *their* ancestors. But alas, they never do!

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A Colony on the Move: Gaspar Castaño de Sosa's Journal, 1590-1591. Translated and edited by Albert H. Schroeder and Dan S. Matson. (Salt Lake City: School of American Research, 1965. 196 pp.) Reviewed by W. Michael Mathes.

Since the termination of the great Quivira Society publications, and with the forthcoming completion of the fine Coronado Historical Series, it is encouraging to the students of early New Mexico history to find that scholarly production in the field is continuing at a healthy pace. Published for the first time in translation, *A Colony on the Move* is a well annotated journal of an expedition which has long presented many questions to the historian, that of Gaspar Castaño de Sosa. Hopefully, this new publication will give impetus to further new research on the Castaño de Sosa episode and its aftermath.

Gaspar Castaño de Sosa, lieutenant governor and captain general of Nuevo

León set out from Almadén (present day Monclova), Coahuila, at the head of some 160 to 170 settlers and carts loaded with supplies, on July 27, 1590, with the intention of settling New Mexico. Castaño de Sosa, unlike his predecessors, was without benefit of a viceregal license (*asiento y capitulación*) or clergy for the conversion of Indians, and this situation coupled with poor equipment was to lead to the failure of the expedition and the downfall of its leader. From Almadén, Castaño de Sosa proceeded northward arriving at the confluence of the Río Grande and Pecos River on October 7.

Following several days of search for a route, Castaño de Sosa proceeded northward following the course of the Pecos. The expedition moved slowly due to the rugged terrain and poor maneuverability of the carts and thus did not arrive at Pecos pueblo until December 31, well into the bitter winter season of highland New Mexico. After the repulsion of his advance guard from the pueblo, Castaño de Cosa found it necessary to take the settlement by storm, a successful venture, after which he attempted to befriend the Indians and impose Spanish protection by appointing Indian officials to act in behalf of the Crown. The Indians, however, abandoned the pueblo, and Castaño de Sosa prepared to continue his exploration.

Leaving the carts and settlers near Pecos pueblo, Castaño de Sosa led a contingency to the west and north on January 6, 1591. The following day the party arrived at Tesuque pueblo where Castaño de Sosa read an act of obedience to the King and appointed pueblo officials to act in the name of the Crown, a ceremony which he performed in almost every pueblo on his route. From Tesuque the party proceeded north of Nambé, west to San Ildefonso, and north again to San Juan, the northernmost limit reached by the expedition. From San Juan, Castaño de Sosa turned westward, crossed the Río Grande, and followed that river southward to Santa Clara, San Ildefonso, and Cochití, thence left the river going east to San Marcos and retraced his course westward again to Santo Domingo. Almost a month having passed since the party left the main group of colonists, Castaño de Sosa left Santo Domingo and proceeded eastward to Pecos where he rejoined his main group on January 27.

On January 30 Castaño de Sosa led his entire party westward to Santo Domingo where he set up a base camp while searching for mineral resources in the region. During his absence a mutiny was plotted against him, but despite his ire, he pardoned the guilty faction. The exploring party then moved southward along the Río Grande to the Sandía Mountains and Alameda, near present day Albuquerque, but upon Castaño de Sosa's return to Santo Domingo he met with further bad luck; as he approached the pueblo he was informed that Captain Juan de Morlete with fifty men was awaiting him with an order for his arrest. Castaño de Sosa submitted without protest to Morlete, and in mid-March was returned to Nuevo León in irons.

The *Journal* of the expedition is a virtual daily accounting of events up to Castaño de Sosa's arrest. Of particular value and interest are the fine descriptions of the pueblos visited and of their occupants, providing a fine insight into the ethnology of the region. Translated by Dan S. Matson, the *Journal* is well annotated by Albert H. Schroeder and is further augmented by an Appendix of names of the expeditionaries, a Bibliography, an analytical Index, and an extremely fine group of maps tracing the expedition's progress.

The translation is, in the main, quite readable; however in some instances the use of brackets and parentheses could be eliminated in accord with the more recent trends in the translation of historical documents. Also, in some instances the *tilde* and *cedilla* are missing on words retained in the Spanish and the accent is missing from such proper names as López, Martín, Tomás, and Andrés. The annotation is quite detailed, particularly from a geographical and anthropological point of view; however, more could be stated relative to the aftermath of the expedition.

The foregoing points do not, however, concern this reviewer as much as the following two items. The first of these is why the more contemporary journal found in Archivo General de Indias, Patronato 22, ramo 10 (which was cited by Mr. Schroeder as Patronato 1-1, an incomplete citation based upon the "old number" system not in use since the mid-1930's and which in its complete form was 1-1-3/22 n. 10) was not used as the basis for the translation but rather an eighteenth-century copy made by Juan Bautista Muñoz. The second is the use of intercalated notes which distract greatly from the continuity of the text and which, in this instance, are in a type several points larger than the text of the *Journal*—the type of the latter being so fine as to create eyestrain. It is the opinion of this reviewer that if intercalated notes *must* be used, they should be in smaller type than the primary text.

Despite these problems, *A Colony on the Move*, is otherwise nicely printed on a quality paper with fine illustrations and excellent maps. This work is a worthy addition to any library of Southwestern concentration and is a valuable contribution to New Mexico history.

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RECENT CALIFORNIANA

A Check-List of Publications Relating to California

Compiled by Edwin Moffitt de Laix

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Adams, John R. *Books and Authors of San Diego: A Check List.* San Diego: San Diego State College Press, 1966. $7.50.

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Arterberry, Vivian, Sophie Kwiatkowski, and Kathryn McCarthy, compilers. *Directory of Special Libraries of Southern California.* Los Angeles: Special Libraries Association—V. Arterberry, 1965. $5.00 paperback.

Bancroft, Hubert Howe. *History of California, Vol. I*, facsimile reprint of the 1886 edition. Santa Barbara: Wallace Hebberd, 1965. $15.00.

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Barrows, Wray. *A History of Folsom.* Folsom, California: Folsom Historical Society, 1965. $3.00 for soft cover, $5.00 for hard cover.

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Block, Eugene B. *Above the Civil War—The Story of Thaddeus Lowe: Balloonist, Inventor, Railway Builder.* Berkeley: Howell-North Books, 1966. $4.50.

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Camp, Charles L., ed. *George C. Yount and his Chronicles of the West: Comprising Extracts from his "Memoirs" and from the Orange Clark "Narrative."* Denver: Old West Publishing Co., 1966. $20.00.

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CLARK, THOMAS D., ed. *Gold Rush Diary—The Journal of Elisha Douglass Perkins.* Lexington: University of Kentucky Press, 1966. $8.75.

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CUTTS, JAMES MADISON. *The Conquest of California and New Mexico, by the Forces of the United States, in the Years 1846 and 1847.* Albuquerque: Horn & Wallace, 1965. $7.50.

Delano: A Land of Promise. Delano, California: Delano Historical Society, 1965. $4.50.

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ELSTOB, WINSTON. *Chinatown: A Legend of Old Cannery Row.* Berkeley: Condor's Sky Press & Turtle's Quill Scriptorium, 1965. $2.00 paperback.

FARQUHAR, FRANCIS P., ed. *Up and Down California in 1860-1864: The Journal of William H. Brewer* [reprint]. Berkeley: University of California Press, 1966. $10.00.

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Meadows, Don. *Historic Place Names in Orange County.* Balboa Island, California: Paisano Press, Inc., 1966. $9.50.

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Los Angeles' Quest for Improved Transportation, 1846-1861

By RICHARD W. BARSNESS

WHILE CALIFORNIA'S STORY during the 1850's centered around the mining region and San Francisco, the first years of American rule also left their mark on the more remote portions of the state, including the sparsely populated grazing counties south of the Tehachapi Mountains. That area's primary mode of transportation had always been ocean shipping, since overland movement was difficult, expensive, and dangerous. The Gold Rush, however, fundamentally altered the old pattern of coastal shipping by causing this once-dispersed activity to centralize at San Francisco and this in turn transformed such historically important ports as Monterey and San Pedro into minor agencies of San Francisco's overall commerce. By 1849 virtually all inbound and outbound shipments at San Pedro sooner or later passed through the port of San Francisco.

The extra costs entailed by the arrangement constituted a burden that was unwillingly borne, and in 1850 the people of Los Angeles exercised the time-honored right of all indignant Americans to memorialize Congress about the injustice. The memorial requested that San Pedro be made a port of entry and that a customhouse be established so that goods could be imported directly from abroad, thereby avoiding the high freight charges exacted on traffic between San Francisco and San Pedro.[1] Among other arguments advanced in favor of a local port of entry, one provided an unintended commentary on the attractions of life in the area, for Congress was assured that in contrast to San Francisco vessels calling at San Pedro need not fear desertion of their crews.

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Congress was already in the process of changing the customs situation in California, but hardly along the lines urged by the petitioners. The single collection district of California was replaced by six new districts, a step which accommodated several other towns coveting port of entry privileges, but did not include San Pedro.[2] Instead, all of Southern California was placed in the San Diego district, with San Diego named the port of entry for the district, and San Pedro and Santa Barbara given the lesser status of ports of delivery. Congress apparently intended the various customs districts to be only temporary, with a more permanent alignment to be made after the state's needs were more clearly defined, and therefore Los Angeles persisted in its efforts on behalf of San Pedro, and in August, 1854, Congress finally acceeded by passing a statute creating the collection district of San Pedro, with San Pedro as the port of entry and Santa Barbara as a port of delivery.[3] The legal gates to a supposedly vast trade with South America and the Orient thus were swung open, and in the minds of some Angeleños prosperity and wealth lay just over the horizon for all who would exploit the new opportunities.

Unfortunately, the spectre of oriental trade flowing through San Pedro and Los Angeles, bestowing riches on the area, was as illusory as the visions of people in St. Louis, Memphis, and St. Paul, whose civic imaginations were unshackled by the transcontinental railroad surveys of this same period. For the moment as for decades to come, neither the riches of the Orient nor of any other foreign country taxed the energies of customs officials at San Pedro. Indeed, the lack of foreign trade caused Congress to drop it as a port of entry in 1862.[4]

The physical conditions under which shipping was conducted in the early 1850's at San Pedro were not much better than during the Mexican period. Especially in comparison to San Francisco and San Diego, San Pedro suffered from severe natural handicaps, one of which was the twenty-six miles which lay between the landing and Los Angeles. San Pedro had so little population that for all practical purposes it served the whole area without serving itself, and this made it imperative to establish an effective transportation link between the port and Los Angeles. During the Mexican period this connection had been provided by the tortoise-paced *carreta*, whose two wooden wheels on a wooden axle shrieked and groaned as they plodded the weary miles across the plains. Passengers understandably preferred to ride horseback. Progress of a sort came with the Americans, who brought four-wheeled wagons, the lighter ones of which were called "stages" and were used primarily by passengers. Pulled by teams of bronco mules or half-wild mustangs, the careening stage ride between San Pedro and El Pueblo was not for the fainthearted, especially when rival teams raced the entire distance.[5]

In addition to the difficulties involved in serving a distant population, the geography of San Pedro Bay itself posed serious problems. Since there was no deep water close inshore and no wharves, vessels had to anchor well offshore (about where Angel's Gate lighthouse is today), while passengers and goods were shuttled to and from shore in small boats. Frequently passengers got dunked or had to go over the side to help push their boats off a sand bar. Worse still, the anchorage area was dangerously exposed from the southeast round to the southwest. And conditions on shore were not much better. The best landing place was on the west side of the bay, about two miles north of Point Fermín, but there was only a narrow stretch of beach, behind which lay a sharp, steep bluff, some sixty feet high. The primitive "road" to Los Angeles of necessity ran on top of the bluff, and the whole arrangement ensured that the handling of goods at the port was an inefficient, laborious process.

The major figure in Southern California transportation during the 1850's was Phineas Banning, who arrived from the East in 1851.[6] Husky, willing, and broke, Banning went to work for one of the two small freight forwarding concerns then operating at the bay. The firm of Douglass and Sanford did not prosper, but the strong back and aggressive personality of their employee Phineas Banning soon attracted the attention of David Alexander, partner in the competing firm of Temple and Alexander. Thus, when John Temple withdrew in 1852 to devote himself to other interests, Alexander offered Banning a partnership arrangement which the latter accepted. In that same year, Augustus Timms, former mate on a German merchant vessel, established himself as a competitor to Alexander and Banning by acquiring "Sepúlveda's Landing" from the owners of the Rancho Los Palos Verdes. For the time being, this gave Timms the most advantageous site available at the bay.

Coastal shipping service at San Pedro during the early 1850's was haphazard to say the least. This hindered the local economy, and also posed a vexing problem for Los Angeles' first newspaper, the *Star*, whose main source of outside news was San Francisco. The paper wrote one bitter editorial after another, denouncing the vagaries of shipping and mail service.[7] Not only did the news have a rather "fishlike smell" by the time it arrived in Los Angeles, but the paper also complained that local fruit growers seeking to ship produce to San Francisco and to the mining region were losing thousands of dollars annually because of the unpredictability of shipping services at San Pedro.[8] It was virtually impossible to co-ordinate the tedious overland trip from the ranchos to meet with the few vessels calling at San Pedro. The *Star* demanded significant improvements, and asserted that Los Angeles provided enough business to sustain first-class steamer service.[9]

By the end of 1853, service had finally begun to improve somewhat, although it still left a great deal to be desired. The Tejon Indian Reservation had been established at the upper end of the San Joaquin Valley, and supplies for the area began to arrive at San Pedro, whence wagons carried the goods across the Los Angeles Plain and San Fernando Valley before ascending the long and treacherous San Fernando Pass.[10] Shortly thereafter, Fort Tejon was begun near the summit of the pass, and Army supplies were added to the grain and other Indian goods already arriving at San Pedro.

The normal shipping route of which San Pedro was a part consisted of a round trip between San Francisco and San Diego, with several intermediate stops, the most important of which were Monterey, San Luis Obispo, Santa Barbara, and San Pedro. The first major improvement in service came when the Southern Accommodation Line advertised in December, 1853, that the *Southerner* would leave San Francisco for San Diego every other Saturday, with stops en route. Freight charges between San Pedro or San Diego and San Francisco would be $15 per ton, either way, cattle would be carried to San Francisco for $10 per head, and passengers were assured they would enjoy the finest possible accommodations.[11]

Additional shipping service appeared at San Pedro in 1854 in the form of regularly scheduled sailing packets. Of course sailing vessels had always called irregularly at San Pedro, but the new service—using the clipper schooners *Laura Bevan* and *Sea Serpent*—sought to provide a dependable, albeit infrequent adjunct to coastal steamer service, and at much lower rates.

Fundamentally, however, coastal shipping service was both irregular and inadequate. Various steamers, such as the *Ohio*, the *Sea Bird*, and the *Goliah* called along the southern coast but the appearance of a given vessel at a given port was quite unpredictable, since vessels were frequently shifted from one route to another, and because "unseaworthiness and miserable service" caused owners to change the names of ships from time to time in order to allay popular prejudice and distrust.[12] Nor was the public able to fight back effectively, for in 1854 the California Steam Navigation Company was formed, holding a virtual monopoly on all steamship routes in the state. For years to come the monopoly faced only minor, intermittent competition, and passengers and shippers at way ports like San Pedro had little choice other than to accept the monopoly on its own terms.[13]

Another major drawback to efficient transportation was the fact that except for San Francisco, most coastal "ports" were basically the same unimproved roadsteads of the Mexican period. Wharves were as rare as competing steamships, and lighterage of passengers and cargo was performed in small boats at considerable risk and expense to people and goods alike. Futhermore, there was an appalling ignorance about the state's coastal waters. The United States Coast Survey had sent a few employees, among whom was George Davidson,[14] to begin the task of accurate charting and mapping, but they were a pittance compared to the magnitude of the task, for when the United States took possession of California, there was not a single lighthouse, buoy, or navigational marker along the state's thousand plus miles of coastline. And despite the useful navigational information that had been gathered, the lack of basic knowledge about the coastal waters was astonishing. For example, not until the early 1850's was it definitely known how many major offshore islands there were along the southern coast.[15]

Perhaps even more frustrating than the ignorance at the outset was the time required to correct the situation. The federal government was negligent both in the manpower assigned to survey work, and in the slowness with which the resulting navigational aids were subsequently erected, especially at points other than around San Francisco Bay. At San Pedro, for example, the Coast Survey made a "reconnaissance" in 1852, and published a sketch map and chart of the bay area,[16] but seven more years passed before a thorough survey was performed. The latter might well have been delayed still more had it not been for a strong petition which Los Angeles sent to Washington in 1858, requesting both a survey and the erection of a lighthouse.[17]

The increasing commercial importance of San Pedro was officially noted in 1855, when Davidson reported that "the coasting trade of San Pedro is now greater than the aggregate trade of all the other ports southward of San Francisco."[18] However, while the port offered an excellent anchorage for vessels in summer, Davidson was not encouraging about the prospects for developing a safe inner harbor in the lagoon north of the bay proper. An inner anchorage area was badly needed to provide protection from winter southeasters, the historic nemesis of shipping at the bay.

Equally bleak were the prospects for breaking the commercial shackles which San Francisco had forged on Los Angeles and San Pedro. Alfred Robinson and Abel Stearns, two famous hide-and-tallow traders of the Mexican period, made an attempt to promote direct trade between the eastern United States and San Pedro, but a variety of factors caused the venture to fail disastrously in 1855-1856, and the two men and another partner lost over $40,000.[19] Following this episode there were no subsequent attempts to establish a Los Angeles-controlled shipping company until the end of World War I.

By way of contrast, the various transportation ventures of Phineas Banning were proving to be rather successful. Freighting operations to Fort Tejon and Salt Lake City were undertaken by Banning; when gold was discovered along the Kern River in 1855, Alexander and Banning advertised in the *Daily Alta California* offering to forward any and all freight received at San Pedro for the Kern River mines, using stages, wagons, and pack mules.[20] Banning's many activities required his concurrent affiliation with several partners, since he was still in his mid-twenties and lacked the capital needed to implement many of his ideas alone.

At San Pedro, Banning had become increasingly aware of the location's shortcomings as an embarcadero. The liabilities were obviously not new, but they had become more glaring as commerce at the port increased. There still was no sheltered deep water close inshore, and the narrow beach and steep bluff still comprised a double handicap ashore. The first few miles of "road" from the bluff's edge toward Los Angeles followed a tortuous path through some low hills and ravines, and last but not least of San Pedro's shortcomings was the absence of wood and the fact that the nearest source of fresh water was three miles away.[21]

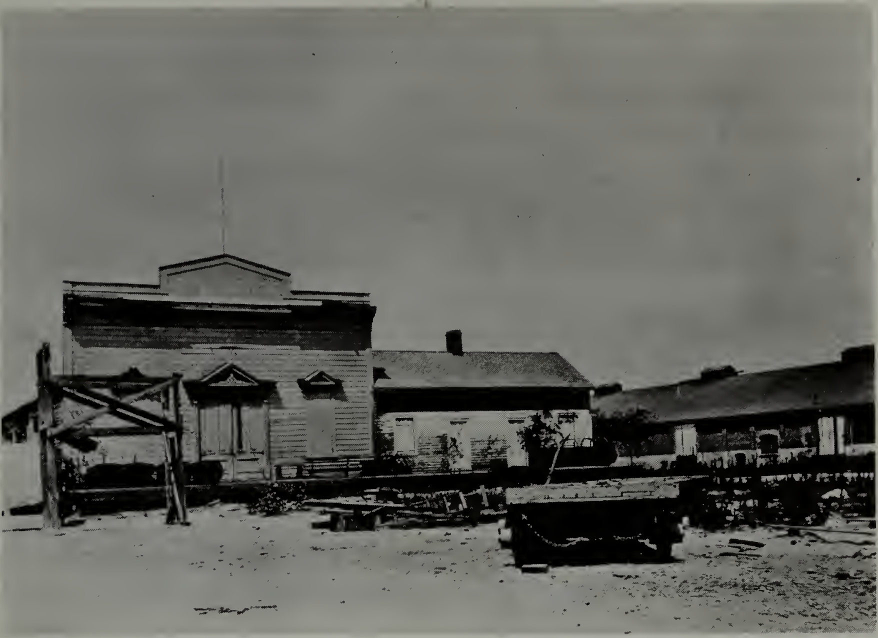
Collectively, these deficiencies offered ample justification for seeking a better site, and Banning and some associates did exactly that. In late 1854 Banning, John G. Downey, Benjamin D. Wilson, and William T. B. Sanford concluded the purchase of some 2,400 acres of the Rancho San Pedro.[22] The land was on the north side of the slough or lagoon that lay north of the bay proper. Small boats and lighters from the bay would have access to the property by following one of the two or three meandering channels through the slough.

Land access to the site was excellent, as it lay directly south across the plain from Los Angeles, about five miles nearer than the existing landing at San Pedro. Furthermore, there were no hills or bluffs to hinder traffic. Wood was as scarce as at San Pedro, but a limited supply of fresh water was available. If a reasonable channel through the slough could be straightened, deepened, and marked, Banning believed the advantages of the new site would easily eclipse operations at San Pedro. Lighterage would still be necessary, but the shoreward segment of this task could be conducted under much more favorable conditions than at the old location, and every mile goods could be floated instead of hauled by wagon was a distinct gain for the Los Angeles area.

David Alexander's election as sheriff of Los Angeles County in 1855 caused him to dissolve his partnership with Banning; however, the latter persisted with his plans to move the firm's freight forwarding operations to the recently acquired property at the head of the slough. Local opinion generally ridiculed the venture, for it was believed much of the land could never be safely utilized, subject as it was to the whims of floods from the Los Angeles River and high tides from the bay. Banning, however, was not one to be easily deterred, least of all by the vagaries of public opinion, and by the summer of 1858 he had men at work on his vision of "New Town" or "New San Pedro." Lots and streets had to be surveyed; warehouses, other buildings, corrals, and a wharf had to be built, and a channel through the slough marked and improved. Toward the end of September sufficient progress had been made so that on the twenty-fifth Banning brought a considerable party of guests to the bay to celebrate the baptism of his offspring. The guests were taken by stage to Old San Pedro, whence they were transported up the "estuary" (as Banning preferred to call the slough) on his festively decorated lighters. A first bale of merchandise was symbolically unloaded at the wharf, and New San Pedro was open for business.[23]

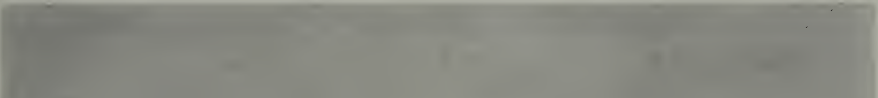
Unintentionally, Banning soon found his existing operations at Old San Pedro completely finished. Only a week after he opened New San Pedro (soon renamed Wilmington), a vicious southeaster slammed into the bay, playing havoc with all in its path. Banning's small steamer *Medora* was torn from her moorings and thrust on to the beach, where the waves soon reduced her to kindling. One large barge was also wrecked and another badly damaged, in addition to which much of Banning's wharf at Old San Pedro was destroyed. A large quantity of lumber supposedly safely stored on the beach also was floated away by the waves.[24] Rather than attempt to repair the extensive damage wrought at Old San Pedro, Banning directed his efforts toward improving and expanding Wilmington.

Commercial statistics relating to San Pedro Bay during these early years are almost nonexistent. As was true for the Mexican period, only isolated scraps of information pertaining to shipments and prices are available, and these are often contradictory or clearly erroneous. Customs data provide little assistance, since the bulk of San Pedro's trade was domestic, not foreign, and also because except for the few years when San Pedro was a full-fledged port of entry, local customs statistics were lumped under San Diego or San Francisco rather than given separately for San Pedro. Nonetheless, Coast Survey figures of San Pedro's *outbound* commerce for the nine months between July 1, 1856, and March 31, 1857, show an aggregate tonnage of 2,226 tons, with a value of $234,035.[25] Grapes were by far the leading commodity, accounting for $128,494. This was followed by shipments of



Courtesy of the Los Angeles County Museum of Natural History.

United States Army Quartermaster Headquarters and Town Hall at Wilmington in 1862.



Courtesy of the Los Angeles County Museum of Natural History.

The Exchange Building at Wilmington in 1863. Stagecoaches to Los Angeles stopped here before the railroad was laid.

12,517 hides valued at $25,034, 25,655 gallons of wine valued at $19,240, and 11,016 bushels of salt worth $15,635.[26]

No detailed figures are available for inbound traffic, but during the late 1850's San Pedro began to be characterized by a marked excess of inbound over outbound traffic. This was because in addition to supplying most of the wants of the Los Angeles area, the port also handled large quantities of goods destined for Fort Tejon and its Indian Reservation, the Kern River mines, and the Mormons in Utah. This dominance of inbound traffic, both in tonnage and value, remained a striking feature of San Pedro's commerce for decades to come. It included large quantities of lumber and lumber products, and the whole range of hardware items needed by any frontier area.

The following aggregate figures illustrate the trend:[27]

Number of Arrivals and Amount of Tonnage Moved at
San Pedro Anchorage, 1855-1870

Year	Number of Arrivals Steamers	Sail Vessels	Inbound Trade (tons)	Outbound Trade (tons)
1855	26	33	2,465	3,849
1856	24	46	3,422	3,959
1857	23	51	3,515	3,111
1858	29	40	3,615	2,970
1859	30	54	10,036	4,210
1860	28	39	8,640	3,925
1861	31	56	9,410	4,612
1862	53	41	15,318	4,350
1863	42	58	13,519	3,961
1864	38	51	12,819	2,989
1865	44	57	14,641	5,002
1866	61	59	15,628	5,648
1867	56	82	16,616	6,294
1868	83	59	17,604	6,941
1869	88	52	18,246	6,868
1870	147	56	20,855	7,050

The largest proportion of freight arriving at San Pedro still came on the sailing vessels that called more or less regularly at the port. Usually only perishable, high-value, or badly needed goods came by steamer, since during the 1850's steamer rates were still considerably higher than those charged by sailing vessels. Passenger fares were no bargain either: in the early 1850's the one-way steamer fare to San Francisco was an inflationary $55.00, with poor food and accommodations to boot. The advent of the *Senator* brought better accommodations and a gradually decreasing fare ($35.00 between San Francisco and San Pedro in 1857, and $25.00 in 1859), but the public still felt it was being overcharged.[28]

Despite the various shortcomings of ocean shipping along the Southern California coast, it nonetheless offered the most feasible mode of transportation available to the region. As far as land transportation was concerned, its handicaps were so great that during the decade of the fifties only some droves of livestock and small quantities of goods moved overland, and the same was true for passengers. The first stage line between San Francisco and San Diego was not established until the mid-1850's, and even then, geographical isolation characterized much of the interior of the state.

In 1854 Congress offered some temporary assistance by appropriating $50,000 to be used in laying out a wagon road between San Bernardino and Salt Lake City,[29] and since it was an easy haul from San Bernardino to Los Angeles and San Pedro, Angeleños were enthusiastic about the project. After all, Los Angeles was slightly closer to the Salt Lake basin than San Francisco, and the southern route could be travelled the year round, with no snowbound Sierras to block contact during the winter months. Trade soon began between Los Angeles and Salt Lake City which acquired some importance for both the Angeleños and the Saints, and San Pedro benefited because it was the initial point of arrival of goods destined for the Mormons and also because Phineas Banning became a leading enterpreneur in freighting operations over the 750 mile haul.

Federal cognizance of the year-round capabilities of this route was shown in the early 1850's when the Utah-California mail route from San Francisco and Sacramento was shifted southward to San Pedro during the winter months.[30] In fact, it proved sufficiently serviceable so that from 1854 to 1858 the San Pedro-Cajon Pass trail became the primary route for mail between the Pacific Coast and Utah. Monthly service was provided each way, often in several days less than the scheduled time of twenty-eight days.[31] Wells, Fargo and Company, which had opened an office in Los Angeles in 1853, and other express firms also used this route extensively. However, the numerous partisans of the more direct Central Route for mail service helped ensure that when the contract for the San Pedro-Cajon Pass route expired in 1858, it was not renewed.

The wagon road to Salt Lake was accompanied by some talk of a transcontinental wagon road; however, the mid-1850's also produced the transcontinental railroad surveys, and Southern Californians did not lose sight of the larger vision. Western newspapers were typically in the vanguard of such railroad promotion, and the Los Angeles *Star* was certainly no exception. Surprisingly, the *Star* did not insist on San Pedro as the terminus,[32] but the paper's relative impartiality on a specific terminus did not include San Diego, and editorial salvos were exchanged between Los Angeles and San Diego newspapers over the relative merits of San Pedro and San Diego as possible termini. Understandably, San Diego hardly deigned to recognize San Pedro as a harbor worthy of the term,[33] while the *Star* with equal justification pointed out that the lack of good routes through the mountains behind San Diego would make railroad construction far more difficult and expensive than to San Pedro.

Two other landmarks in the early transportation history of Southern California both occurred in 1858. In January some of the United States Army camels brought to the United States under Secretary of War Jefferson Davis made their first local appearance, after which they began to make fairly regular trips carrying army supplies from San Pedro and Los Angeles to Fort Tejon.[34] In the early 1860's they were also used between San Pedro and Fort Yuma on the Colorado River.

In September, 1858, the same month that Banning opened his new port, the famous Butterfield Stage Line began service. This amazing feat of logistics by the operators and of endurance by the passengers stretched some 2,800 miles from St. Louis to San Francisco, via Fort Smith, El Paso, Fort Yuma, and Los Angeles. The sight of camels may have been more astonishing to Californians, but as far as improved communications were concerned, the Butterfield stages represented a new era of contact with the East, and one over which the newspapers were ecstatic.[35]

Courtesy of the Los Angeles County Museum of Natural History.
Drum Barracks at Wilmington in 1860. Camel in picture was used as a pack animal.

One final significant development prior to the Civil War was the telegraph link completed between San Francisco and Los Angeles on October 8, 1860. Construction had proceeded from both directions, with the wire and redwood poles for the southern segment being freighted northward from San Pedro by Banning's wagons.[36] The next year, of course, saw the first transcontinental telegraph line completed between Omaha and San Francisco, and by virtue of its connection with San Francisco, Los Angeles became a part of the larger network. At this point the ubiquitous Banning and one of his partners constructed an extension to San Pedro. By mid-November, 1861, the whole system was declared to be operating splendidly, but not for long, since both the extension to San Pedro and the connection with San Francisco were soon out of order. Troubles plagued the singing wire for months to come, and uninterrupted service was not re-established between San Pedro and San Francisco until July, 1862.[37]

Unfortunately, the establishment of telegraph service remained a lonely vanguard of progress, for the economic development of Southern California continued to suffer from the interrelated factors of poor transportation and an acute shortage of capital. Together they deterred more varied forms of agriculture (not to mention any form of industry) from developing in the grazing counties, and undoubtedly would have continued to do so for years to come had not a disastrous drought struck the area during the early 1860's. The cattle industry was completely prostrated by the drought, and as this historic way of life disappeared during the war years to the accompaniment of considerable local lawlessness and violence, it became clear that a more enduring economic foundation would have to be built for the future, and that major transportation improvements were needed to achieve this goal. Thus was born Southern California's first railroad, the Los Angeles and San Pedro, which was successfully promoted soon after the war.

NOTES

1. This memorial was reprinted in full in *Historical Society of Southern California Publications*, VII (1906-1908), 165-168.

2. *U.S. Statutes at Large*, IX, 508-509.

3. *Ibid.*, X, 345.

4. *Ibid.*, XII, 411.

5. See the old hyperbolist "Major" Horace Bell, *Reminiscences of a Ranger* (Santa Barbara, 1927), pp. 2-5; Almira Hancock (Mrs. W. S.), *Reminiscences of Winfield Scott Hancock* (New York, 1887), pp. 52-53; and Los Angeles *Star*, August 6, 1853.

6. Maymie Krythe, *Port Admiral: Phineas Banning, 1830-1885* (San Francisco, 1957), is an eulogistic biography of Banning.

7. The *Star* began publication in May, 1851, one-half in English and one-half in Spanish. The history of this pioneer of Southern California journalism, and its relationship to other local developments are well told in William B. Rice, *The Los Angeles Star, 1851-1864* (Berkeley, 1947).

8. Los Angeles *Star*, June 25, 1853.

9. *Ibid.*

10. See the *Daily Alta California* (San Francisco), November 1, 1853.

11. Los Angeles *Star*, December 3, 1853.

12. Harris Newmark, *Sixty Years in Southern California, 1853-1913* (Boston, 1930), p. 152.

13. In 1855 the company put the attractive, speedy steamship *Senator* on the southern coast run, and while this constituted a major improvement in service, it certainly was no bargain, for passenger fares and freight rates were high. For information about the *Senator*, see the excellent article by John H. Kemble, "The *Senator*: Biography of a Pioneer Steamship," *California Histori-*

cal Society Quarterly, XVI (1937), 61-70. During its long career, the vessel varied from 750 to 900 tons, and was rigged as a schooner in addition to its side wheels. She could carry about 400 tons of freight and from 150 to 200 passengers.

14. For a short biography, together with a bibliography of Davidson's many works, see Oscar Lewis, *George Davidson: Pioneer West Coast Scientist* (Berkeley, 1954).

15. U.S. Coast Survey, *Coast Pilot of California, Oregon, and Washington Territory* (Washington, 1869), p. 25.

16. U.S. Coast Survey, *Report of the Superintendent for 1852* (Washington, 1853), Map J, No. 5.

17. Los Angeles *Star*, June 30, 1858, and September 24, 1859; and *Southern Vineyard*, February 8, 1859. Actually, the Congressional appropriation had been made in 1853 for a small lighthouse at Point Fermín, but it went unused because years of litigation over title to the Rancho Los Palos Verdes made it impossible to acquire the necessary land. See *U.S. Statutes at Large*, X, 243.

18. U.S. Coast Survey, *Report of the Superintendent for 1855* (Washington, 1856), p. 183.

19. See a series of letters from Robinson to Stearns in "Stearns-Gaffey Papers," MSS, Box 54, Huntington Library. Especially helpful are those dated May 6, 17, 1854, and June 19, 1856 (Boston).

20. *Daily Alta California*, January 23, 1855.

21. These last inadequacies were often noted by the Coast Survey. See for example the *Report of the Superintendent for 1862* (Washington, 1864), p. 278, which also observed that "the beef raised here is remarkably tough."

22. Robert C. Gillingham, *The Rancho San Pedro* (Los Angeles, 1961), p. 178.

23. A good account of the opening was contained in *Southern Vineyard*, October 2, 1858.

24. See Los Angeles *Star*, October 2, 1858; *Southern Vineyard*, October 16, 1858. Krythe, *Port Admiral*, p. 82, is erroneous in saying that the storm which wrecked Banning's operations at Old San Pedro occurred in the spring of 1858 and that he then promptly decided to build his new town. The above newspapers show this was not so.

25. U.S. Coast Survey, *Report of the Superintendent for 1857* (Washington, 1858), p. 393.

26. *Ibid.*

27. A. T. Hawley, *The Present Condition, Growth, Progress, and Advantages of Los Angeles City and County, Southern California* (Los Angeles, 1876), p. 27.

28. Some examples of fares are noted in Benjamin Hayes, *Pioneer Notes, 1849-1875* (Los Angeles, 1929), pp. 164-165. Among the visitors arriving on the *Senator* in 1859 was Richard Henry Dana, Jr., who made some interesting

observations on the changes which had occurred since the old hide-and-tallow days. See the chapter "Twenty-four Years Later," in *Two Years Before the Mast* (Boston, 1911), especially p. 477.

29. Newmark, *Sixty Years in Southern California*, p. 155. In 1855 the California legislature also aided this Cajon Pass route with a $20,000 appropriation. See Robert G. Cleland, *A History of California: The American Period* (New York, 1923), p. 359.

30. LeRoy R. Hafen, *The Overland Mail, 1849-1869* (Cleveland, 1926), pp. 64-66.

31. *Ibid.*, pp. 66-68.

32. Rice, *The Los Angeles Star*, p. 108.

33. See Thomas R. Darnall, "San Diego in 1855 and 1856," *Historical Society of Southern California Publications*, XVI (1934), 60-61.

34. Newmark, *Sixty Years in Southern California*, p. 222, and Lewis B. Lesley, ed., *Uncle Sam's Camels* (Cambridge, Mass., 1929), p. 131.

35. Los Angeles *Star*, October 9, 1858; *Southern Vineyard*, September 25, October 2, 9, 16, 1858.

36. Los Angeles *Star*, June 9, 1860.

37. Newmark, *Sixty Years in Southern California*, pp. 307-308.

Municipal Government in Spanish California

By Francis F. Guest, O.F.M.

The fundamental instruments of government for New California were the Echeveste Regulation and the Regulation of Felipe de Neve. Supplementary to these, with respect to the three towns, were, in the order of their appearance, the following: Neve's instruction for the foundation of La Reina de los Angeles, August 26, 1781; the same governor's instruction to Pedro Fages on the administration of California, September 1, 1782; José Joaquín Moraga's instruction for the corporal of the military guard at San José, December, 1782; Pedro Fages' instruction for Ignacio Vallejo, July 18, 1785; the same governor's instruction for Corporal Vicente Félix at La Reina de los Angeles, January 13, 1787; the instruction for the foundation of the Villa de Pitic, November 14, 1789, which was to be used for the establishment of all new *pueblos* in the Commandancy General of the Internal Provinces; and finally, Diego de Borica's instruction for Gabriel Moraga at the Villa de Branciforte, July 24, 1797.[1]

The ordinances on the ownership and inheritance of land were definite and detailed.[2] *Solares*, or house lots, and *suertes*, or fields, were to be entailed in perpetuity upon descendants. Among several sons a choice could be made by the parents for the inheritance of their house and fields. If there was no son, the land could go to a daughter married to a man who had received no allotment of fields. The property could be divided among several children, but no single *suerte* was divisible.[3] Owners of land were forbidden by law to place

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any lease, entail, bond, mortgage, or other encumbrance upon it. Violation of this law was punishable by deprivation of the property in question.[4] New settlers, when establishing a town, were required, within a period of five years, to build and dwell in their houses, open irrigation ditches, and plant trees along the boundaries of their land. Meanwhile they were exempt from paying tithes.[5] But government aid in salaries, rations, and livestock granted on the occasion when a town was established was intended only for those who had emigrated from their own province and had come to New California to found the new municipality. Settlers who came thereafter were expected to carry on their farming with what funds they already had. Descendants inherited livestock and equipment from parents. Retired soldiers who entered a *pueblo* had their savings with which to purchase what they needed. The only aid the government provided was free grants of *solares* and *suertes* to those who asked for them.[6] In taxes landowners paid half a *fanega* of maize per irrigated field. Other taxes were regulated by the *Recopilación*. Settlers were also required, as part of their civic obligation, to repair the main irrigation ditch and the reservoir and to perform their share of the work in all other public projects, including the building of a church.[7]

It was the duty of the *comisionado*, or supervisor of town government, to see that water was distributed equally and impartially to all the settlers of the community.[8] According to the instruction on Pitic, the irrigated land was divided into districts, each of which was watered by a branch leading from the main irrigation ditch. Especially during the spring and summer, when water was needed, the *comisionado* was to observe which fields needed irrigation and which did not. But no one was allowed to have a greater quantity of water than that to which he was entitled. Nor could a *vecino* take water from any district other than his own.[9] The instruction on Pitic went even further and required that, according to a list, each settler be assigned certain hours of the day or night in which he could water his fields. Furthermore, an alcalde was to be appointed to watch each branch of the network of irrigation ditches and see that the list was observed. It may be doubted, however, whether the California *pueblos* in the Spanish period ever required such detailed supervision of water supply as this.[10]

To maintain their livestock the settlers enjoyed the common privileges of water and pasturage. Each settler also grazed stock in his own fields. But since it was difficult, especially in the beginning, for the settlers to tend their livestock, till the fields, and participate in public works at the same time, it was permissible for them to pasture the herds of sheep and goats together under a shepherd appointed to guard them, and to assign the care of cattle, horses, mules, and donkeys to two horsemen who would corral them daily or as it was convenient. Payment of the shepherd and the horsemen was to be a common charge.[11] Actually, however, the *vecinos* and retired soldiers took turns guarding the livestock. The relay of shepherds and horsemen was changed every eight days. Sheep and goats were to be marked, horses and cattle branded. To avoid monopoly of wealth by a few, it was forbidden for anyone to have more than fifty head of each kind of stock.[12]

Within the five-year period of their establishment as settlers, new *vecinos* were required to have two yoke of oxen, two ploughs, two ploughshares or points to cultivate the ground, and two hoes with the necessary tools for farming. Within this period it was absolutely forbidden for the new settlers to sell, exchange, kill, or otherwise dispose of any of their animals except sheep and goats. Upon the completion of the term of five years, the new settlers were at liberty to sell bulls, steers, colts or horses, burros, rams, geldings, goats, pigs, and sows. But it was forbidden to kill a cow unless she were old or barren or ewes and she-goats under three years, or to sell mares and good breeders until such time as each settler should possess fifteen mares and one stallion, fifteen cows and one bull, twelve ewes and one ram, and ten she-goats with one male. Within the first three years the settlers must have finished their houses and supplied themselves with six hens and a rooster.[13]

It was forbidden all settlers or residents to sell or exchange colts, horses, mules, or studs except among themselves when they had a surplus. The reason for this law was that the remainder of these animals, except for special horses needed by the *pueblos* themselves, were destined as spare mounts for the troops of the presidios. The animals were to be paid for in accordance with the price list fixed by the governor. They could be sold to no one except the government.

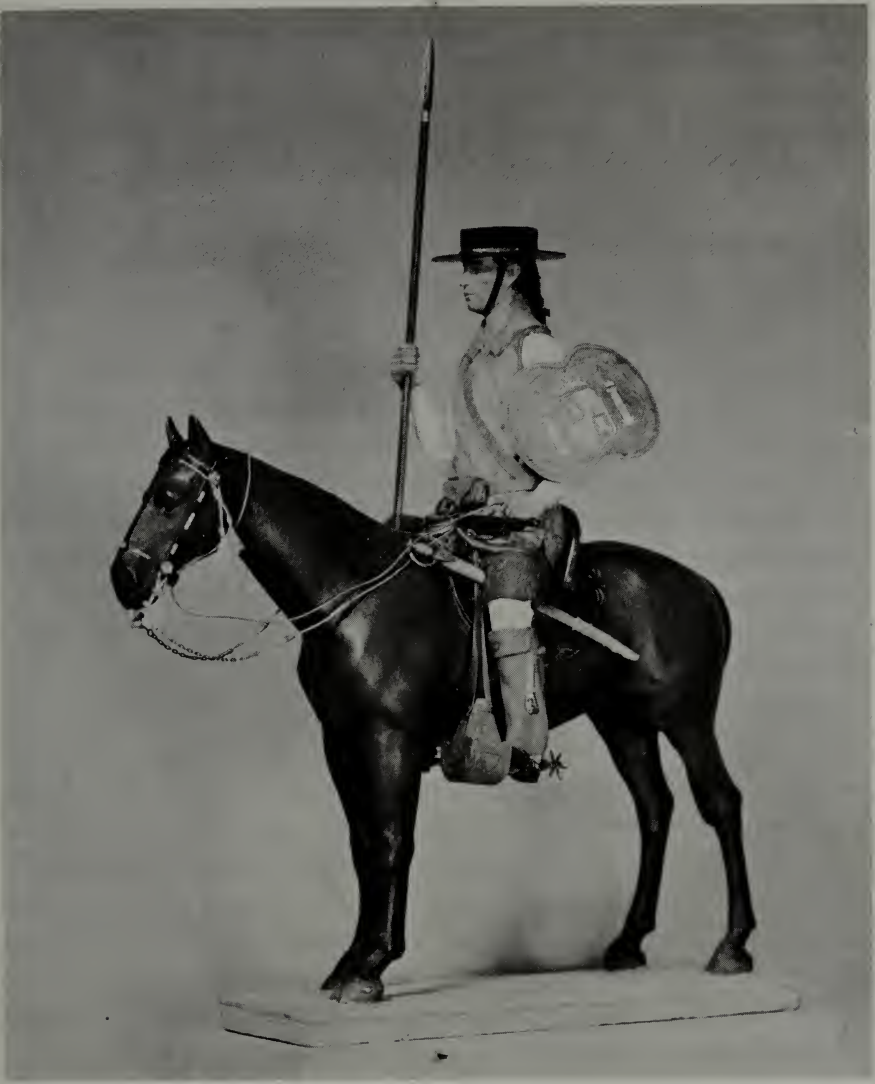
Violation of this law was punishable by a fine of twenty pesos per head.[14]

The crops produced by the towns were to be sold exclusively to the presidios at the prices established by the governor. The citizens were permitted to reserve for themselves the amount necessary for their subsistence and for planting. It was by means of crops (wheat, maize, and beans) that the settlers who participated in the establishment of a town paid back the government for the aid they had received in animals and equipment both during their journey from their place of origin and after they had taken up their residence in the town. The amount of reimbursement due the government was deducted from the price paid for the crops until the debt was cleared.[15]

The person to whom the settlers sold their produce was the paymaster of the presidio. It was from him, too, that they received payment for their crops. The paymaster kept an annual account for each settler in his jurisdiction, noting the expenditures and receipts for the royal treasury in each case.[16] The paymaster's records contained, for every settler, his name, quality, age, birthplace and the *pueblo* with which he was connected. The same information was required for his wife, sons, and daughters. For the settlers who had participated in the establishment of towns, the paymaster's record contained an account of the salary, rations, animals, equipment, reimbursement, etc., of each citizen who enjoyed this status. For all it kept an account of the crops sold, the price paid for them, and the articles that the settlers purchased. The government was the only buyer to whom the settlers could sell their produce or from whom they could buy what they needed for the maintenance of their farms and the necessities and convenience of their families.[17]

When the towns finally succeeded in producing enough crops to satisfy the needs of the presidios, the paymasters were to notify the government, request less in supplies from San Blas and more in money and goods for the purchase of farm products from the towns.[18]

Neve's Regulation had not been long in force before circumstances called for an amendment of its provisions for municipal self-government. The Regulation had arranged that for the first two years the alcalde and *regidores* be appointed by the governor. Thereafter these officials were to be elected by the townsmen, although the governor



Courtesy of the Los Angeles County Museum of Natural History.

Model of a Leather Jacket Soldier or Frontier Militiaman from whose service the Comisionado of the Pueblo was appointed.

might continue his appointments for three more years if he considered it necessary to do so. In any case, the elections were to be confirmed by the governor in accordance with the provisions of the *Recopilación*.[19] Furthermore, the military guard of four soldiers was to remain only for the first two years.[20] It was found necessary, however, to provide supervision for the alcalde and the two *regidores*, and to continue the military guard.

At San José government by appointed alcaldes and *regidores* was continued until 1783. The appointees manifested but little administrative ability, however, and both public projects and the production of crops suffered accordingly. To avoid similar difficulties at La Reina de los Angeles, Felipe de Neve, from the very beginning, appointed a soldier, Vicente Félix, to supervise town government. Félix manifested experience in farming and ability in leadership, and after a slow start the town made progress under his direction. He was the first *comisionado* in Alta California. Since records for the history of La Reina de los Angeles are scant, it is uncertain whether he held this position continuously until his retirement. Fages wrote an instruction for him; however, in 1787, and in 1794, as former *comisionado*, he was instructing Corporal Ignacio Olivera in the methods of administration necessary for the maintenance of successful municipal government.[21] At San José Fages found it wise to follow the precedent Neve had established in La Reina de los Angeles. Elections of alcalde and *regidores* were held for the first time at San José in 1783. The officials chosen by the *vecinos*, however, introduced corruption into the government and failed to fulfill their obligations. The townsmen, instead of electing magistrates who would preserve order and keep them at their work, showed a preference for those who would allow them to lead a life of indolence and leisure. To remedy the confusion that resulted, Fages appointed José Domínguez, corporal of the military guard, as *comisionado* of the *pueblo*. Furthermore, he named Manuel González, the Apache Indian, as alcalde. González's conduct was better than that of the two previous alcaldes, and he showed more vigor and precision in the observance of the Regulation and more skill in directing the work in the fields. Finally, Fages appointed Ignacio Vallejo as *comisionado* and, on July 18, 1785, wrote an instruction to guide him in governing the town. There is very little difference between the instruction written for Vallejo in 1785 and that addressed to Félix in 1787. On June 5, 1784, the commandant general approved the continuance of military guards at the towns in Alta California and, on July 1, 1785, he ratified gubernatorial appointment of *comisionados*.[22]

The term *comisionado* is a general one. It means a person who is duly authorized to perform a certain task or discharge a certain function. José de Gálvez, for example, besides being plenipotentiary of the king was also the *comisionado* of the viceroy.[23] Again, Juan de Pineda, Governor of Sonora, was a *comisionado* for the expulsion of the Jesuits from New Spain.[24] Finally, José Joaquín Moraga was *comisionado* for the foundation of Pueblo San José, and José Argüello bore the same title for the establishment of La Reina de los Angeles.[25]

In the present context *comisionado* means a military deputy, usually a sergeant, appointed to supervise the government of a town. The duties of the *comisionado* were many and difficult. His first care was to maintain the *vecinos* in peace and harmony. In the interests of civic order he was to take effective measures against concubinage, incendiarism, drunkenness, and gambling, the vices most common among the settlers.[26] He saw that the *vecinos* fulfilled their religious obligations, requiring them to attend Mass on Sundays and holy days of obligation, to say night prayers and the rosary in common upon retiring, and to fulfill the precepts of the Church during the Easter season. At Branciforte, where the mission was near-by, failure to attend Mass on Sundays was punishable by three hours in the stocks. At San José and La Reina de los Angeles, where the neighboring missions were much more distant, requirements were not so strict. At San José some were required to remain at home while the others went to church, for it was not wise to leave the town alone and unprotected with so many pagan Indians in the vicinity.[27]

Since the primary function of the towns was to supply the presidios with foodstuffs, the *comisionado* was required to be thorough in his supervision of farming and public works. Every settler had to have two plows with plowshares or points, two mattocks, two spades, two sickles, an axe, a machete, a hammer, an adze, a musket, and a lance. Not infrequently irresponsible settlers lost tools, damaged them by misuse, sold them, or gambled them away. One of the principal concerns of the *comisionado* was to see that each *vecino* was properly prepared for his work. To do this he had to check their equipment frequently. Those who had carelessly destroyed or illicitly disposed of the implements they needed were punished. Close inspection of livestock was equally necessary. The *comisionado* regulated the relays of guards appointed to watch the animals, organized round-ups to determine ownership and increase, and kept a record of all mounts supplied for the government. The *comisionado* inspected the *suertes* and saw that each farmer received the water he was entitled to and produced the crops called for by the government. He organized the *vecinos* for all public works—the construction of dams, ditches, guardrooms, granaries, mills, churches, etc. For all work—in households, in the fields, and in public projects—pagan Indians from neighboring *rancherías* or villages were employed. All hiring of these Indian workers was managed and arranged by the *comisionado*.[28] And when new settlers asked for land, it was he who distributed to them their *solar* and four *suertes*.[29]

The *comisionado* not only watched over the municipal crops but also kept an exact record of the *fanegas* of wheat, maize, and beans produced. The wheat was threshed, ground into flour, and stored in the granary. Maize and beans, too, were prepared for shipment. Periodically the *comisionado* sent a copy of his record to the presidios his town supported with provisions. Then, as the paymaster ordered the grain, the *comisionado* saw that the required amounts were transported by *recua* or packtrain.[30]

In addition to this the *comisionado* kept a record of the tithes collected for grain (wheat, maize, and beans) and for animals (cattle, horses, and mules). Besides, certain effects were supplied to the *vecinos* through the *comisionado*, and in consequence he had to keep a complete account of these items. The list included boxes of cigarettes, supplies of soap, arms and munitions, and bulls of the crusade. Hence, when a transfer of *comisionados* occurred, the outgoing officer, in the presence of two witnesses, had to make one inventory of tobacco, another of arms and munitions, and a third of the remaining effects, for the benefit of the replacement.[31] In addition to this he had to make an occasional check of the arms and munitions possessed by the settlers, for they had to be equipped with weapons as well as with tools for farming and ranching.[32]

It would appear from instructions sent by Hermenegildo Sal, the paymaster at Monterey, to Ignacio Vallejo regarding the raising of the tax rate, and from the *comisionado's* signature on the tax records, that the *comisionado* was required to collect the tithes.[33] Presumably, he collected the other taxes as well. At least, he was in a better position than anyone else to discharge this function. Californians were free from the *alcabala*, or excise tax, from 1787 to 1792, and again for ten years from 1794 onward. From 1792 to 1794 one-half of the regular tax of 6 per cent was paid. The revenue from this source was very small.[34] There was also a tribute of one *fanega* of corn per year paid by the settlers, which yielded to the king something over one hundred pesos.[35] Additional revenue was drawn from the bulls of the crusade, from the donations made in time of war, and from the tobacco tax, the last mentioned being by far the most lucrative.[36] The management of all branches of revenue for the government was in the hands of the paymasters at the presidios.[37]

The *comisionado* had complete charge of the municipal archive. In 1797, for example, Gabriel Moraga, the outgoing *comisionado*, inventoried and handed over to Ignacio Vallejo, his successor, all the documents in the municipal archive at San José for the years from 1785 to 1797.[38]

Finally, the *comisionado* had full authority over those who entered and left the town. No soldier from a presidio could enter the town without presenting a pass from his commander. And no *vecino* could leave without obtaining a pass from the *comisionado*.[39] It made no difference what reason the soldier in question had to visit the town—whether he came to deliver the mail, to escort a *recua*, or to transact private business. The *comisionado* was entitled to full knowledge of the purpose of the visit, the number of soldiers in the company, the time they were to spend there, etc.[40] It goes without saying that the soldiers who presented themselves as new members of the military guard of the town had to report to the *comisionado*.[41]

The *comisionado* was instructed to use caution in issuing passes to unmarried townsmen. If they asked for a pass for six days, he should write one for eight; if for eight days, he should write one for ten.[42] The citizens were habitually tardy in returning, it would appear, and this was a good way of obviating trouble. For appearing at a presidio without written permission from the *comisionado*, an unmarried man could be punished with a month at labor in irons.[43]

The system of *comisionados* was continued throughout the Spanish period. It ceased only with the change of government when Mexico gained her independence from Spain. The only town for which the list of *comisionados* is fairly complete is San José. Records for Branciforte and La Reina de los Angeles are scanty. In 1785 Ignacio Vallejo was appointed *comisionado* of San José, largely because he was skillful in the construction of dams, in methods of irrigation, and in agricultural matters generally.[44] In 1792, however, Vallejo was removed because of differences he had had with the community.[45] In 1796 Gabriel Moraga was *comisionado*.[46] In 1797, however, Moraga was moved to Branciforte and Vallejo was returned to San José.[47] In 1799 more changes occurred. Moraga was removed from Branciforte to serve at Monterey and was replaced by Vallejo. As might have been expected, Vallejo was assigned to Branciforte to organize the system of irrigation. The new *comisionado* at San José was Macario de Castro.[48] Castro continued as *comisionado* at San José until 1807 when he was replaced by Luis Peralta.[49] Peralta continued in office until the end of the Spanish period.[50] Generally speaking, the *comisionado* was appointed or removed by the governor. Occasionally, however, changes in office were made by the presidio commander, pending approval by the governor.[51]

Pedro Fages' statement of the relationship between the *comisionado* and the alcalde was clear and succinct. Whereas the alcalde was responsible for the conduct of the *vecinos*, the *comisionado* was responsible for that of the alcalde, whom he was to advise and direct. The alcalde could make no administrative disposition without the approval of the *comisionado*.[52] The *comisionado* was endowed with "royal and military jurisdiction," and both the alcalde and the two *regidores* were "subject" to him.[53] It was the duty of the *comisionado* to see that the alcalde and *regidores* exercised the functions proper to their respective offices.[54] The *vecinos* could appeal to the *comisionado* against the alcalde and *regidores* whenever occasion arose. In grave cases the *comisionado* was to inform the presidio commander or the governor.[55] The *comisionado*, as supervisor of town government, was not only a *juez comisionado* but also a *juez fiscal*. That is to say, he was authorized to investigate and hear cases of civil and criminal litigation, record the testimony presented, and transfer it to the presidio commander.[56]

The *comisionado* in turn was subject to the presidio commander, who was the *justicia mayor* of his district.[57] The records reveal that, as *justicia mayor*, the presidio commander took an active part in the government of the towns. The Archive of San José, for example, shows that the presidio commander of Monterey made legal decisions and passed judicial sentences for the town under his jurisdiction. First, the presidio commander imposed specific punishments for crime. For example, José de la Guerra condemned Ignacio Castro to fifteen days of labor on public works for having shown a revolutionary spirit, and another *vecino*, Larios, to a month of work on the municipal chapel for having disposed of property that was not his own.[58] José María Estudillo required that Eleuterio Villavicencio, a retired soldier, be brought to the presidio as a prisoner as soon as he had recovered from his wounds, and he permitted Mariano Castro, a youth who had atoned for his crime, to be released to the custody of his father.[59] José Estrada condemned José Antonio Iguera to eight days with his head in the stocks. After that the prisoner was to be kept with his feet in the stocks until word came from the presidio to release him. The crime was not mentioned.[60] José Argüello, captain of the presidio of Santa Bárbara, appointed Ensign José Joaquín Maitorena to conduct a legal hearing in La Reina de los Angeles for accusations of gambling, drinking, and quarrelling against Ignacio Valencia, José Antonio Nieto, Cayetano Varela, Manuel Moreno, and Molina.[61]

But the presidio commander decided civil as well as criminal cases. In February, 1800, for example, Macario Castro wrote to Hermenegildo Sal explaining the circumstances under which two *vecinos*, José María Martínez and Manuel Butrón, wished to relinquish *suertes* they held at San José. Sal granted the *vecinos* their petition.[62] In 1795 Sal enforced fulfillment of a contract whereby another *vecino* had promised a loan of land to Antonio Alegre.[63] José María Estudillo determined that the house and garden of Gertrude Linares should go to Bartolo Bojorques, who paid the debt on it, and not to the heirs, who were unable to pay.[64] In a case at San José, Ignacio Archuleta, a *vecino*, had induced a Christian Indian to tan some hides for him but had not paid him for the work. José de la Guerra required that payment be made to the Indian in accordance with what the padres at the mission considered just.[65]

Finally, the presidio commander, in his relations with town government, exercised considerable authority in the confirmation of local elections. In 1784 José Joaquín Moraga, commander of the presidio of San Francisco, confirmed the elections of alcalde and *regidores* pending the approval of the governor.[66] In 1807 José María Estudillo refused to confirm the election of magistrates because not all the electors had cast a vote.[67] In 1809 the same commander refused to grant approval to the election of Marcos Chaboya as alcalde and appointed Ignacio Castro to this office instead. The *regidores*, Antonio Soto and Juan Altamirano, he approved.[68] The letter contains no reference to the authority of the governor. In 1812, too, Estudillo approved the elections of magistrates without making any allusion to authority other than his own.[69] In these latter cases, however, it seems prudent to assume that the commander acted with at least the tacit approval of the governor.

Needless to say, the ultimate provincial authority in all civil and military matters was the governor himself. In certain affairs exercise of the governor's authority was required. For example, grants of *solares* and *suertes* to *vecinos* came only from him.[70] Occasionally, however, he gave his personal attention to questions of detail in municipal government. For example, Borica warned the *comisionado* at San José to use his authority with prudence and not to arrest suspects merely on the basis of gossip and rumor.[71] Again, he explained to the *comisionado* of the Villa de Branciforte how two *vecinos* who had fled from the town were to be punished. They were to be put in irons and set to work on public projects.[72] But, generally speaking, he left matters of this kind in the hands of the presidio commanders. For example, José María Estudillo wrote to the *comisionado* of San José that, in accordance with the orders of the governor, the citizens might fence their own land but were not to enclose common property.[73] In the archive of San José most of the letters to the *comisionados* are written by presidio commanders.

Did the *comisionado* have the right to solve legal and disciplinary problems on his own authority or was he required to have recourse to the presidio commander in each individual case? In a letter to Gabriel Moraga, then *comisionado* of the Villa de Branciforte, Diego de Borica suggests an answer. Fermín Cordero, one of the settlers, had gravely insulted the *comisionado.* In punishment for this offense Borica required that the culprit be placed in irons and that he work in the presidio battery for one month. Then the governor warned Moraga to deal with such men more prudently. He said:

> You can punish and correct their defects, especially those of insubordination and lack of respect, with arrest, irons, and other punishments, but never strike them with stick, lance, or hand except in self-defense. It is necessary to take these measures in cold blood and without haste.[74]

It would seem, then, that the *comisionado* was authorized to handle some criminal cases of minor importance on his own authority. Prudence would suggest that, in civil matters, he enjoyed the same prerogative.

The records give five civil cases in which the *comisionado*, confronted with a serious doubt, had recourse to the presidio commander. Three are mentioned but briefly and concern *vecinos* who left to their descendants an inheritance burdened with debt to the paymaster in Monterey. If the heirs could pay the debt, they received the property. If not, it was sold to another party.[75] The fourth case dealt with the inheritance left by Bernardo Heredia. His daughter, married to Juan Padilla, received nothing but declared herself content with the arrangements made by her father. Mission San José and Mission San Juan Bautista were given ten cows and five mules each for Masses for the repose of the soul of the deceased. The widow, María Nicolasa Lisaldo, claimed that, as heiress, she had absolute rights of ownership over the property of her husband. The court of the presidio commander decided that she had the usufruct of the property for the rest of her natural life but not absolute ownership. The two witnesses, Rafael Villavicencio and Antonio Buelna, were present at the bedside of Bernardo Heredia and took down his last will and testament in writing, but the text of the document is not given. In the judicial process the *comisionado* had to present several documents to the presidio commander for judgment, *viz.*, the text of the last will and testament, depositions of the witnesses, and explanations of the case from the viewpoint of the daughter and the wife. The presidio commander gave the decision.[76]

In 1797 there was litigation between Manuel Ramírez de Arrellano and Francisco Reyes, both of La Reina de los Angeles, over property rights. Ramírez de Arrellano accused Reyes of having stolen two lambs. Reyes denied the theft and countered with the charge that, on the contrary, Ramírez de Arrellano had taken six female lambs, a mare and a filly from *his* corral. The *comisionado*, Pablo Cota, drew up an exact account of the charges and countercharges in full detail. Three depositions in favor of Reyes were made by former *comisionado* Vicente Félix, Guillermo Soto, and Joaquín Iguera. All four documents were signed by Pablo Cota as *comisionado* and Javier Alvarado as *escribano*, or notary.

The decision of the presidio commander, Felipe de Goycoechea, went against Ramírez de Arrellano who then wrote a bitter letter of complaint to Governor Borica. His grievances were that Felipe de Goycoechea had insulted him in public in La Reina de los Angeles and that heed was given in court only to the witnesses for the other side and not to his own. He ended with the plea that he was a weaver and that he would like three or four *cargas* of cotton from Acapulco, and some other equipment, so that he could produce cotton blankets for a living.[77]

In a brief letter to Governor Borica, Felipe de Goycoechea explained the case of Manuel Ramírez de Arrellano. First, Ramírez de Arrellano's complaints against Reyes were invalid. Secondly, Ramírez de Arrellano had been guilty of invading Reyes' corral and stealing animals. Thirdly, Ramírez de Arrellano had answered him disrespectfully in the presence of other *vecinos* of the town. Fourthly, Ramírez de Arrellano was in debt to the town for charity that had been extended to him. Fifthly, Ramírez de Arrellano was incapable of supporting himself and his family. Finally, Ramírez de Arrellano was as ungrateful as he was false.[78]

Records exist of two criminal cases that arose in La Reina de los Angeles. The first concerned Guillermo Soto and his son, José María Soto. On Sunday, November 19, 1815, Guillermo Soto, who had been drinking heavily of *aguardiente*, came to the house of Eugenio Valdez and asked to borrow a crowbar.[79] A fight ultimately arose between Guillermo and José María Soto on one side and Eugenio and Antonio Valdez on the other. Eugenio Valdez was seriously wounded with a knife and the Sotos, father and son, were imprisoned in the *calabozo* by the alcalde.[80] The *comisionado,* who had gone to Mass at Mission San Gabriel, was not present to deal with the trouble makers personally.

Next day, Monday, November 20, 1815, the trial began. Guillermo Cota, sergeant in the company of cavalry at the presidio of Santa Bárbara and *comisionado* of La Reina de los Angeles presided. José Palomares was appointed as notary, witnesses were called, and depositions were made. Guillermo Soto testified that he had been drinking *aguardiente*, could not remember how the fight had started, and, until he was informed of it, did not know that Valdez had been wounded. On November 22 Cota sent the testimony he had gathered to José de la Guerra, his superior officer at the presidio of Santa Bárbara. Meanwhile Valdez's wound had been sewed up and the *comisionado,* in accordance with instructions from de la Guerra, kept a careful record of visits he made to the wounded man's home from November 28 to December 7. A decision was handed down from Monterey on March 5, 1816. By this time Eugenio Valdez had recovered completely from his wound. It was therefore ordered that Guillermo Soto and his son, José María, be set at liberty under the proviso that in the future they abstain from drinking.[81]

The second trial, in which an indictment of Tiburcio Soto was made, ended more seriously for the accused. This time the testimonies were taken down by José Palomares, who was appointed *juez fiscal,* or judge, for the occasion by José de la Guerra. The *comisionado* appointed two witnesses to assist Palomares in taking down evidence. The accusations against Tiburcio Soto, a young man of nineteen, were twofold, namely, attempted rape and theft of cattle. The decision was handed down by Governor Pablo Vicente Solá on May 27, 1817. In view of the imperfect evidence presented, the governor determined that the full penalties of the law could not be imposed. The accused was therefore condemned to two years' labor on public projects. While he worked he was to wear a chain, and the time he did not put in on public works he was to spend in jail.[82]

Although little power or authority was left in municipal hands, local officials were chosen regularly. In La Reina de los Angeles alcaldes entered office by means of elections. The *vecinos* gathered in a *cabildo abierto,* or public assembly, as was necessary when the town was so small in population, and cast votes for an alcalde. In 1790, for example, Mariano Verdugo was elected with fourteen votes, whereas Manuel Verdugo received but five.[83] *Regidores* were chosen in the same way.[84] In San José the method of selecting magistrates was somewhat different. The outgoing alcalde named three men. If these three were acceptable to the *comisionado*, they then cast lots. The winner was the alcalde and the other two were the *regidores*.[85] Previously, the magistrates had been elected as at La Reina de los Angeles.[86] The reason for the restriction in freedom of voting at San José is suggested in the many complaints of disorderly conduct on the part of the citizens. Borica characterized the *pueblo* as incorrigible.[87] On one occasion the *comisionado's* house was burned.[88] The *comisionado's* complaint regarding alcaldes was that the *vecinos*, instead of choosing men who would serve the cause of justice, named magistrates who would accommodate them and their interests.[89] One of the alcalde's principal duties was to make the rounds at night, beginning at eleven o'clock and continuing until one and even to three in the morning.[90]

In any case the elections or choice of alcalde and *regidores* always had to be confirmed by the governor.[91] Sometimes, however, the governor rejected the name of the proposed magistrates and appointed the new alcalde and *regidores* himself. This occurred even under Solá, late in the Spanish period.[92]

According to Neve's Regulation, there was to be a military guard of four soldiers at each town for the first two years.[93] The *estados* of the four presidios for 1793, however, reveal that San José still had a military guard of four men, a corporal (the *comisionado*) and a soldier from Monterey, and two soldiers from San Francisco.[94] In La Reina de los Angeles the *comisionado*, Vicente Félix, was a soldier from San Diego. In 1793 he was the only soldier from that presidio assigned to this work.[95] The *estado* of Santa Bárbara for 1793 does not mention any soldiers assigned to La Reina de los Angeles.[96] But a financial account of tithes collected at this town does include mention of soldiers, six for 1786, nine for 1787, and nine for 1788.[97] Two of these men, Sergeant José Ignacio Olivera and Francisco Lugo, were from Santa Bárbara. The rest were from San Diego.[98] It is probable that, at least for the years 1787 and 1788, two or three of these men were assigned to La Reina de los Angeles, while the rest did military duty at Mission San Gabriel. It is interesting to observe that for the years 1786, 1787, and 1788 the same three men, Vicente Félix, Francisco Lugo, and Roque de Cota, paid in tithes a large sum of money roughly commensurate with the sums paid by the townsmen, whereas the other soldiers (except for Manuel Pérez in 1788) paid very small sums of a few pesos each. It would seem, then, that these three soldiers belonged to the military guard at La Reina de los Angeles and, at least for these three years, produced the same results in farming and animal husbandry as the townsmen did. In other words, the *comisionado* and his fellow soldiers at this town either worked in the fields and corrals like the settlers or else paid Indians to work for them. Presumably, the *comisionado* and his military assistants at San José did the same.

Because many of the retired soldiers (*inválidos*, as they were called) showed considerable ability and promise, it was asked, both at the Villa de Branciforte and Pueblo San José, whether or not they were eligible as alcaldes and *regidores*. The governor answered that they could accept the position of magistrate if they wished, but were under no obligation to do so. He gave two reasons for this decision. First, the *inválidos* had already given many years of service to the state and had earned a right to live a life of peace and tranquility. Secondly, they still belonged to the Army, received a salary, and could be summoned by the government to emergency military service at any time. Therefore their position was not easily compatible with that of a municipal magistrate.[99] Furthermore, it was made clear to the *pueblos* that all new *vecinos* who had been granted a *solar* and *suertes* could vote in the municipal elections except the *inválidos*. Technically, then, the *inválidos* did not enjoy all the rights of citizens.[100] Governor Borica, anxious to build up the urban population of his province, commanded *inválidos* to take up their residence in one of the towns. When they retired, soldiers were not to remain at a presidio or seek residence on a *rancho*. If they did remain at a presidio, however, they were to take their turn at guard duty with the rest of the soldiers.[101] To what extent *inválidos* swelled the population of the towns within the next two decades it is impossible to say. It is evident from military records, however, that many of them preferred to remain in the presidios. In 1797 there were thirty-four *inválidos* at the four presidios of San Francisco, Monterey, Santa Bárbara, and San Diego. This does not include retired soldiers from the Company of Catalonian Volunteers and the detachment of artillery. In 1808 there were eighty-eight, an increase of well over half in eleven years.[102] It must be remembered, however, that the efforts of the presidio commanders to replace the Catalonian Volunteers, who returned to New Spain in 1803, would do much to explain the tendency of the *inválidos* to remain at the presidios.

As members of municipal communities, the *inválidos* were to perform guard duty and were to pay others to work for them on public projects like building dams, reservoirs, bridges, fences, and the like.[103]

Public buildings in the towns of Spanish California were neither numerous nor impressive. The *cuerpo de guardia*, or guardroom, served many purposes. First of all, it was a *casa de ayuntamiento*, a council room for the town magistrates.[104] Secondly, it was sometimes used as a prison for both *gente de razón* and Indians, and hence it must have had adobe walls.[105] Thirdly, it was an assembly hall for the citizens. Before their chapel was built, the citizens were supposed to gather there to say the rosary before retiring.[106] In 1806 the *comisionado* of San José was instructed to gather all the citizens and *inválidos* in the guardroom and announce to them the identity of the new provisional commander of the presidio of Monterey.[107] It was the place where decrees were promulgated and notices read. On one occasion Gabriel Moraga was required to read an announcement, once every day for eight days, to all the citizens assembled at the guardroom. It concerned methods of preventing thefts by pagan and Christian Indians.[108] From this one could conclude that the building, by this time, was quite extensive. Fourthly, it was employed as a recreation hall. In 1799 the citizens of San José were told that they might enjoy limited gambling in the guardroom. The gambling could take place only in this building, the card games were specified, and the amount of loss any one player could sustain was set at two pesos in cash. No credit was accepted.[109] Fifthly, it served as a dormitory for young men. At San José, in 1792, the governor ordered that every unmarried young man twelve years of age or over must sleep in the guardroom. This was one of several measures taken to prevent disorderly conduct in the town.[110] In 1799 the governor, in a letter to the *comisionado*, specified by name those who were to sleep in the guardroom at night. There were fourteen in all.[111]

In 1802, in San José, plans were made to build a prison on the same lot on which the guardroom stood. It was to have double walls and a strong lock for the door. The stocks were to be erected inside it.[112] Both San José and La Reina de los Angeles had granaries.[113] And, ultimately, both had chapels. The construction of a chapel at San José was begun in 1803. In 1812 the *vecinos* asked and obtained permission from the *presidente* of the missions to have Mass said in their chapel whenever it was necessary to provide Viaticum for the dying. It was only on relatively rare occasions, then, that Mass was celebrated in the chapel at San José. The *vecinos* of La Reina de los Angeles had begun a chapel by 1790 but their project was not much of a success, for Father Vicente Sarriá, shortly after 1812, forbade the missionaries to say Mass in the town until a suitable place was provided. By 1819 a new chapel was begun but it was not completed until early in the Mexican period.[114]

Viewed in the light of the evidence here presented, the government of the municipalities in California during the Spanish period must be considered one of military domination. Since the towns existed but to subserve a military purpose, it is easily understandable that this should have been the case. The success with which the system operated is difficult to measure, for evidence is not easily obtainable. That it should have invited criticism, however, was to be expected, and the objections, when they came, were voiced in part by the missionaries. The padres received an opportunity to express their ideas on this subject when the Marqués de Branciforte, anxious to establish the *villa* that was to bear his name, asked them their opinion on the feasibility of founding a new town in Alta California as a means of increasing the population and promoting the temporal progress of the province. Fathers José Señán and Isidoro Alonzo Salazar of the College of San Fernando provided illuminating answers to this question.

As was to be expected, the missionaries availed themselves of the opportunity to urge the importance of obtaining men of good Christian conduct to populate the province. Señán mentioned the notable excesses some Spaniards had perpetrated among the pagan Indians. Alonzo Salazar described the younger generation of *vecinos* as loose and ill-disciplined. They spent their time, he said, wandering among the Indian villages and soliciting pagan women.

The missionaries devoted even more space, however, to the necessity of obtaining settlers habituated to industry. The *pueblos* of San José and La Reina de los Angeles, said Señán, hardly merited the name. They could be called such only in an informal sense, *pueblos*, as it were, in embryo. And the principal cause of their lack of progress, in his opinion, was the laziness and inactivity of the settlers. It was easier to find them with a pack of cards in their hands, he said, than with a hoe or a plow. If the truth must be told, he added, what progress the *pueblos* did make was due more to pagan Indians from near-by *rancherías* than to the settlers themselves.

> The Indian plows, the Indian sows, the Indian reaps—in a word, he does almost everything. Yes, Your Excellency, this is what goes on. And, what is more regrettable, these same pagan Indians, because of their close relationship with the settlers, or the *gente de razon*, should be the first to receive baptism. But, influenced by their bad example, or by their private interests, they still remain in the darkness of heathenism, while Indians from more distant *rancherías* are to be found, in great part, within the body of the Church.[115]

Alonzo Salazar supports Señán in this contention, observing that the progress of the town was hindered by loafers who thought more often about gambling and playing the guitar than of educating their children or attending to their work. The townsmen sat around all day, he said, in perfect confidence that the Indians would do the work. Whenever there was a harvest the Indians gathered a third of it, if not half. At this point, however, Alonzo Salazar is more frank in explaining the reason why the Indians did not become converts to Christianity. They were rewarded so richly for their work in blankets and *cotones* that they fared better than the Christian Indians themselves and hence were not attracted to the mission precincts![116] The mission Indians received a blanket, a *cotón*, and a *trapo* for their raiment.[117] In a roundabout way the laziness of the settlers was instrumental in preventing Indians from being attracted to the Church, and the missionaries resented it.

In all honesty and charity, however, the padres were willing, in great part, to condone the laziness of the settlers because the latter were unable to profit from their labor and hence had nothing to inspire them.

> Your Excellency, it was with a good intention that I accused the settlers of lacking in industry, and with the same sincerity I know that they should, in large measure, be excused. It should cause no surprise that they do not apply themselves with eagerness to a task which they see, for the most part, comes to naught.[118]

Both padres pointed out that nowhere in California was there any place for the townsmen to buy or sell except at the presidio paymaster's store. The exchange took place in kind, not in cash. And when the settlers went there to sell their wheat, maize, or beans and told the paymaster the goods they wanted in exchange for them, what was the answer they got?

> We don't have any. We don't have any. The troops come first, you know. Later on, we'll see. This year not much of that has come in.[119]

This, or something very much like it, was the unfailing reply to their request. The padres did not blame the paymaster, for he did nothing more than administer the goods that were shipped to the presidio. And they were perfectly willing to admit that the troops did come first. But all this left the townsmen no better off than before. To pay the townsmen cash for their grain would do nothing to solve the problem. Without anything to spend their money on, they would only waste it or gamble it away. Very often the poor fellows would rather return home with some gadget of little or no value than leave an account at the store and come home empty-handed.

Furthermore, the terms under which the townsmen were compelled to do their trading were often unjust. The settlers were required to sell their goods to the paymaster at prices determined by the governor in the province price list for grain, animals, and other farm products. Naturally, the list contained prices which the Army was best able to pay, namely, the lowest possible. On the other hand, the goods sent up from San Blas to be traded to the settlers were sold at very high prices—the very same prices, it will be remembered, which the Army itself had tried to avoid by establishing the towns in the first place! To make matters worse, the price list was never varied to suit the changes in the market. It was the same for good harvests or bad, for years of abundance as for those of scarcity. It was as unchangeable, said Señán, as an Article of Faith.

The townsmen, then, were in a dilemma. They were compelled to sell at the lowest prices and buy at the highest. And if they did not wish to buy at the prices at which goods were sold in the paymaster's store, they were told they could send to Guadalajara or Mexico City for what they wanted, an alternative they could not afford because of the cost of freight. It was no wonder, then, that the townsmen were discouraged and depressed, that they were not inspired to produce goods for the market, that they lived in idleness and inactivity and let the Indians do the work.[120]

The military regime under which the towns lived, then, was both an asset and a liability. It ensured civic order and dispensed justice impartially. But it stifled initiative and subjected the townsmen to economic injustice. The reason why the towns of Spanish California did not develop is to be found in their economic servitude to the presidios.

NOTES

1. Felipe de Neve, Instrucción para la fundación de los Angeles, San Gabriel, August 26, 1788 (error for 1781), Bancroft Library.

Phelipe de Neve, Instrucción, Paraje del Saucillo a la salida Cajón de Santa Catarina, September 1, 1782, Archivo General de Indias, Guadalajara 283. The same document, entitled Instrucción sobre el gobierno de la península, is to be found in Archive of California, Vol. 2. This document will be cited hereinafter as Neve, Instrucción to Fages. Archivo General de Indias will be abbreviated hereinafter as AGI, Archive of California as CA.

José Moraga, San Francisco, December [day not given], Instrucción y orden que debe observer el cabo de la escolta del Pueblo de San José de Guadalupe, asi en asuntos del servicio con los soldados de su mando, como en el gobierno trata de los pobladores y adelanta en el fomento de su pueblo, CA 2. Cited hereinafter as Moraga, Instrucción.

Pedro Fages to Ignacio Vallejo, Monterey, July 18, 1785, Instrucción que ha de observer el cabo de la escolta de San Josef como comisionado por el gobierno para cedar de acuerdo con el alcalde de su fomento y progresos, CA 22. Cited hereinafter as Fages, Instrucción I.

Pedro Fages to Corporal Vicente Félix, San Gabriel, January 13, 1787, Instrucción para el cabo de la escolta del pueblo de los Angeles como comisionado por el gobierno para dirigir al alcalde y a los regidores, CA 4. Cited hereinafter as Fages, Instrucción II.

Juan Ganot y Miralles, Chihuahua, November 14, 1789, Instrucción aprobada por S.M. que se formó para el establecimiento de la Nueva Villa de Pitic en la Provincia de Sonora mandala adaptarse a las demás nuevas poblaciones proyectadas y que se establecieran en el distrito de esta Comandancia General, CA 7. Cited hereinafter as Instrucción para la Villa de Pitic.

Diego de Borica, Monterey, July 24, 1797, Instrucción de lo que debería practicar el Cabo Gabriel Moraga cargado de dirigir la fundación de la nueva Villa de Branciforte. This document is to be found in Expediente sobre la erección de la Villa de Branciforte en la Nueva California, 1796-1803, W. B. Stephens Collection, University of Texas Library. The document will be cited hereinafter as Borica, Instrucción.

2. In Felipe de Neve's Regulation a number of the laws regarding land, crops, livestock, and equipment refer specifically to the establishment of a *pueblo* and the first five years of its existence. These laws will not receive full or formal treatment in this context.

3. Felipe de Neve, *Reglamento para el gobierno de la provincia de Californias* (San Francisco, 1929), *título* 14, *artículo* 6. Cited hereinafter as Neve, *Reglamento*.

4. *Ibid., título* 14, *artículo* 7.

5. *Ibid., título* 14, *artículo* 9.

6. *Ibid., título* 14, *artículo* 5.

7. *Ibid., título* 14, *artículo* 10. In Mexico a *fanega* was about two and a half bushels. Confer J .Villasana Haggard, *Handbook for Translators of Spanish Historical Documents* (Oklahoma City, 1941), p. 76.

8. Fages, Instrucción II.

9. Instrucción para la Villa de Pitic, *artículo* 10. A *vecino* was a citizen of a town.

10. Instrucción para la Villa de Pitic, *artículo* 20.

11. Neve, *Reglamento, título* 14, *artículo* 8.

12. *Ibid.*

13. *Ibid., título* 14, *artículos* 12 and 13; Fages, Instrucción I and II.

14. *Ibid., título* 14, *artículo* 14.

15. *Ibid., título* 14, *artículo* 15.

16. *Ibid., título* 13, *artículo* 23.

17. *Ibid., título* 13, *artículos* 24 and 25.

18. *Ibid., título* 1, *artículo* 6.

19. *Recopilación de las leyes de los reynos de las Indias* (3 vols., 4th ed.; Madrid, 1791), *ley* 10, *título* 3, *libro* 5; Neve, *Reglamento, título* 14, *artículo* 18. *Regidores* were aldermen, members of the town council.

20. Neve, *Reglamento, título* 2, *artículos* 2 and 3.

21. Grájera to Borica, San Diego, December 15, 1794, CA 7.

22. Neve, Instrucción to Fages; Fages, Instrucción I and II; Fages to the Commandant General, Monterey, February 1, 1785, CA 22; Pedro Fages, Monterey, February 26, 1791, Sobre puntos del gobierno de la península de California e inspección general de sus tropas, CA 6; Fages to Revilla Gigedo, México, February 22, 1792, Archivo de Simancas, Guerra Moderna 7046.

23. Joseph de Gálvez to the Sububapas Indians, Real de los Alamos, June 13, 1769, Huntington Library, GA 535.

24. Joseph de Gálvez to the Marqués de Croix, Real de los Alamos, June 10, 1769, Huntington Library, GA 585.

25. José Moraga, Concesión de tierras a varios individuos, May 13, 1783, CA 52; Pedro Fages, Repartición de solares y suertes de tierra de regadío y secadal, Monterey, August 14, 1786, CA 52.

26. Borica, Instrucción; Fages, Instrucción I and II.

27. *Ibid.*

28. Moraga, Instrucción; Fages, Instrucción I and II.

29. [No signature], [no date], CA 16, pp. 9-13.

30. Hermenegildo Sal to Ignacio Vallejo, Monterey, July 30, 1799, Archive of San Jose, Vol. VI; Sal to Vallejo, Monterey, September 16, 1799, Archive of San Jose, Vol. VI; Sal to Vallejo, Monterey, October 1, 1799, Archive of San Jose, Vol. VI; Sal to Vallejo, Monterey, October 1, 1799, Archive of San Jose, Vol. VI. These two letters, although they have the same date, are distinct. Sal to Vallejo, Monterey, November 10, 1799, Archive of San Jose, Vol. VI; Sal to Vallejo, Monterey, November 16, 1799, Archive of San Jose, Vol. VI; Sal to Gabriel Moraga, Monterey, October 10, 1799, Archive of Santa Cruz.

31. Hermenegildo Sal, Monterey, November 21, 1799, Previniéndome el Señor Governador Don Diego de Borica en oficio de 5 del corriente que el Sargento retirado Macario de Castro pase al Pueblo de San José a hacerse cargo de la comisión que en dicho pueblo tiene el Cabo Ignacio Vallejo en su entrega practicará dicho sargento lo siguiente, Archive of San Jose, Vol. VI; Sal to Vallejo, Monterey, July 2, 1799, Archive of San Jose, Vol. VI; Sal to Vallejo, Monterey, July 10, 1799, Archive of San Jose, Vol. VI; Sal to Vallejo, Monterey, July 14, 1799, Archive of San Jose, Vol. VI.

32. Sal to Gabriel Moraga, Monterey, May 4, 1797, Archive of San Jose, Vol. V.

33. Sal to Vallejo, Monterey, November 9, 1797, Archive of San Jose, Vol. V; Luis Peralta, Pueblo de San José, November 30, 1807, Relación de lo colectado de diezmo en el referido año, Archive of San Jose, Vol. VI; Luis Peralta, Pueblo de San José, November 30, 1808, Relación de lo colectado de diezmo en el referido año, Archive of San Jose, Vol. VI; Luis Peralta, Pueblo

de San José, November 30, 1809, Relación de lo colectado en el referido año, Archive of San Jose, Vol. VI.

34. H.H. Bancroft, *History of California* (7 vols.; San Francisco, California, 1884-1890), I, 632.

35. *Ibid.;* Hermenegildo Sal, San Jose, December 31, 1797, Tributo por supremo dominio, CA 16. Six settlers and eighteen *vecinos* from San José paid the tax. Probably this tax is not to be identified with the tribute imposed upon adult male Indians. In all likelihood it takes its origin from the requirement that after the five-year period every *vecino* pay the government one-half a *fanega* of maize for every *suerte* of irrigated land.

36. Bancroft, *History of California,* I, 633-34; José María Estudillo, Monterey, March 24, 1809, CA 17.

37. Bancroft, *History of California,* I, 633-34.

38. Gabriel Moraga to Borica, San José, May 20, 1797, CA 8.

39. José María Estudillo to the comisionado, Monterey, December 22, 1806, Archive of San Jose, Vol. III.

40. Raymundo Carrillo to the comisionado of the pueblo, Monterey, July 12, 1802, Archive of San Jose, Vol. IV.

41. Luis Argüello to the comisionado, San Francisco, April 23, 1819, Archive of San Jose, Vol. I.

42. Sal to the comisionado, Monterey, August 11, 1800, Archive of San Jose, Vol. III.

43. Sal to Macario Castro, Monterey, July [day not given], 1800, Archive of San Jose, Vol. III.

44. Fages to the Commandant General, Monterey, July 4, 1785, CA 22; Fages to Corporal José Domínguez, Monterey, January 24, 1785, CA 44.

45. Arrillaga to José Argüello, Loreto, September [day not given], 1792, CA 22.

46. Borica to Jacobo Ugarte y Loyola, Monterey, March 4, 1796, CA 14.

47. Sal to Gabriel Moraga, Monterey, May 2, 1797, Archive of San Jose, Vol. V.

48. Sal to Borica, Monterey, December 2, 1799, CA 10; Borica to Sal, San Diego, December 9, 1799, CA 10; Sal to Gabriel Moraga, Monterey, November 21, 1799, Archive of Santa Cruz, No. 78.

49. Arrillaga to the commander at Monterey, Monterey, September 7, 1807, CA 26.

50. Pablo Vicente Solá to Luis Peralta, Monterey, December 25, 1820, CA 55.

51. Arrillaga to José Argüello, Loreto, September [day not given], 1792, CA 22.

52. Fages, Instrucción I and II.

53. Raymundo Carrillo to the comisionado of Pueblo San José, Monterey, February 19, 1801, Archive of San Jose, Vol. V.

54. Sal to Macario Castro, Monterey, January 3, 1800, Archive of San Jose, Vol. III.

55. Fages, Instrucción II.

56. Sal to the comisionado of Pueblo San José, Monterey, May 8, 1800, Archive of San Jose, Vol. IV; Sumaria on Tiburcio Soto, May 21-27, 1817, De la Guerra Collection.

57. Sal to the comisionado of Pueblo San José, Monterey, May 8, 1800, Archive of San Jose, Vol. IV; Macario de Castro to Ignacio Castro, Pueblo San José, October 30, 1804, Archive of San Jose, Vol. III.

58. José de la Guerra to the comisionado of Pueblo San José, Monterey, July 28, 1805, Archive of San Jose, Vol. III; José de la Guerra to the comisionado of Pueblo San José [place, year, and day not given], Archive of San Jose, Vol. III.

59. José María Estudillo to the comisionado of Pueblo San José, Monterey, May 9, 1808, Archive of San Jose, Vol. III; José María Estudillo to the comisionado of Pueblo San José, Monterey, June 2, 1808, Archive of San Jose, Vol. III.

60. José Estrada to Luis Peralta, Monterey, September 20, 1808, Archive of San Jose, Vol. III.

61. CA 17, pp. 26-27.

62. Macario Castro to Hermenegildo Sal, Pueblo San José, February 7, 1800, Archive of San Jose, Vol. III; Sal to Castro, Monterey, February 20, 1800, Archive of San Jose, Vol. III.

63. Sal to Gabriel Moraga, Monterey, September 8, 1795, Archive of San Jose, Vol. IV.

64. José María Estudillo to the comisionado of Pueblo San José, Monterey, June 10, 1816, Archive of San Jose, Vol. VI.

65. José de la Guerra to the comisionado of Pueblo San José, Monterey, July 1, 1803, Archive of San Jose, Vol. III.

66. José Moraga to Pedro Fages, San Francisco, February 2, 1784, CA 3.

67. José María Estudillo to the comisionado of Pueblo San José, Monterey, January 2, 1807, Archive of San Jose, Vol. III.

68. José María Estudillo to the comisionado of Pueblo San José, Monterey, January 11, 1809, Archive of San Jose, Vol. III.

69. José María Estudillo to the comisionado of Pueblo San José, Monterey, January 4, 1812, Archive of San Jose, Vol. IV.

70. José Argüello to Gabriel Moraga, Monterey, February 4, 1795, Archive of San Jose, Vol. IV; José Argüello to Pedro Fages, San Francisco, May 25, 1790, CA 52.

71. Borica to the comisionado of Pueblo San José, Monterey, July 19, 1796, CA 44.

72. Borica to the comisionado of the Villa de Branciforte, Monterey, October 29, 1798, Archive of Santa Cruz.

73. José María Estudillo to the comisionado of Pueblo San José, Monterey, November 6, 1810, Archive of San Jose, Vol. III.

74. Borica to the comisionado of the Villa de Branciforte, Monterey, July 27, 1798, Archive of Santa Cruz.

75. Sal to Macario Castro, Monterey, January 3, 1800, Archive of San Jose, Vol. III; José María Estudillo to the comisionado of Pueblo San José, Monterey, June 10, 1816, Archive of San Jose, Vol. VI; José de la Guerra to the comisionado of Pueblo San José, Monterey, July 29, 1804, Archive of San Jose, Vol. III.

76. Macario de Castro to José de la Guerra, San José, July 24, 1805, Archive of San Jose, Vol. V; María Nicolasa Lisalde to José de la Guerra, San José, June 30, 1805, Archive of San Jose, Vol. V; José de la Guerra to Macario de Castro, Monterey, August 4, 1805, Archive of San Jose, Vol. V.

77. A *carga* is two *fanegas*. Cf. Haggard, *Handbook for Tranlators of Spanish Historical Documents*, p. 73.

78. Diligencia judicial hecha por militares, La Reina de los Angeles, November 16, 1797, CA 8; Manuel Ramírez de Arrellano to Governor Borica, La Reina de los Angeles, October [day not given], 1797, CA 8; Goycoechea to Borica, Santa Bárbara, November 28, 1797, CA 8.

79. *Aguardiente*, in this context, means brandy.

80. The *calabozo* was the city jail.

81. Sumaria of Guillermo Soto and his son, José María Soto, November 20, 1815 to March 5, 1816, De la Guerra Collection.

82. Sumaria of Tiburcio Soto, May 21-27, 1817, De la Guerra Collection.

83. Goycoechea to Fages, Santa Bárbara, July 6, 1790, CA 5.

84. Goycoechea to [person not given], Santa Bárbara, December 31, 1801, CA 50.

85. Macario de Castro to Ignacio Castro, Pueblo San José, October 30, 1804, Archive of San Jose, Vol. III; José de la Guerra to Macario de Castro, Monterey, December 5, 1804, Archive of San Jose, Vol. III.

86. Raymundo Carrillo to the comisionado of San José, Monterey, April 3, 1802, Archive of San Jose, Vol. IV.

87. Sal to Arrillaga, Monterey, October 2, 1800, CA 11.

88. Macario de Castro to Sal, San José, September 30, 1800, CA 11.

89. Castro to Sal, San José, September 30, 1800, CA 11.

90. Sal to Castro, Monterey, October 4, 1800, Archive of San José, Vol. III; Sal to Arrillaga, Monterey, October 2, 1800, CA 11.

91. Borica to the comisionado of San José, Monterey, January 2, 1796, CA 23; Borica to the comisionado of San José, Monterey, January 11, 1797, CA 23. For further references establishing this point, see Florian F. Guest, "Municipal Institutions in Spanish California, 1769-1821," 1961, Ph.D. Thesis in the Library of the University of Southern California, p. 229, n. 90.

92. Solá to Peralta, Monterey, January 2, 1820, CA 44; Solá to Peralta, Monterey, January 11, 1820, CA 54.

93. Neve, *Reglamento, título* 2, *artículos* 2 and 3.

94. Estado of the presidio of Monterey, José Argüello, July 15, 1793, Archivo General de la Nación, México, Californias 9. This archive will be cited hereinafter as AGN. Estado of the presidio of San Francisco, José Joaquín de Arrillaga, Monterey, July 15, 1793, AGN, Californias 9; Estado of the presidio of San Diego, José de Zuñiga, Monterey, July 15, 1793. An estado means a report on the state or condition of a given institution.

95. Estado of the presidio of San Diego, José de Zuñiga, Monterey, July 15, 1793, AGN, Californias 9.

96. Estado of the presidio of Santa Bárbara, Felipe de Goycoechea, Monterey, July 15, 1793, AGN, Californias 9.

97. Accounts of titles for the presidio of Santa Bárbara, Felipe de Goycoechea, May 14, 1789, AGN, Presidios 1.

98. Compañía presidial, Santa Bárbara, Felipe de Goycoechea, November 3, 1787, CA 54; Tropa de la compañía presidial, Antonio Grájera, San Diego, December 31, 1794, CA 54; Compañía presidial San Diego, José de Zúñiga, December 1, 1784, CA 54.

99. Raymundo Carrillo to the comisionado of the Villa de Branciforte, Monterey, April 9, 1801, Archive of Santa Cruz; Carrillo to the comisionado of the Villa de Branciforte, Monterey, April 3, 1802, Archive of Santa Cruz; Carrillo to Macario de Castro, Monterey, February 20, 1802, Archive of San Jose, Vol. IV; Carrillo to the comisionado of San José, Monterey, April 3, 1802, Archive of San Jose, Vol. IV.

100. Borica to Goycoechea, Monterey [date not given], 1796, CA 23.

101. Borica to the commanders of the presidios, Monterey, October 15, 1797, CA 23.

102. Raymundo Carrillo, San Francisco, March 5, 1797, Real Presidio de San Francisco, Regulación del situado que ha de haber en el referido presidio en el próximo año de 1798, AGN, Presidios 16; Hermenegildo Sal, Monterey, March 18, 1797, Compañía del Real Presidio de Monterey, Regulación del situado que ha de vencer dicha compañía en el año próximo de 1798, AGN, Presidios 16; Felipe de Goycoechea, Santa Bárbara, February 20, 1797, Presidio de Santa Bárbara, Regulación del situado que ha de haber la compañía que guarnece el citado presidio en el año de 1798, según su actual dotación, AGN, Presidios 16; Antonio Grájera, San Diego; February 6, 1797, Real Presidio de San Diego, Regulación del situado que ha de haber la compañía de dicho presidio en el año de 1798, AGN, Presidios 16.

Luis Argüello, San Francisco, January 1, 1808, Regulación for 1809, AGN., Californias 51; José de la Guerra, Monterey, April 15, 1806, Regulación for 1807, AGN, Californias 51; José Joaquín de Maitorena, Santa Bárbara, January 14, 1808, Regulación for 1809, AGN, Californias 51; José de la Guerra, San Diego, January 31, 1808, Regulación for 1809, AGN, Californias 51.

103. Sal to Gabriel Moraga, Monterey, October 28, 1795, Archive of San Jose, Vol. IV.

104. Felipe de Goycoechea to [no person given], Santa Bárbara, December 31, 1789, CA 50.

105. Sal to the comisionado of Pueblo San José, Monterey, February 4, 1800, Archive of San Jose, Vol. III; Borica to the comisionado, Monterey, July, 3, 1796, CA 44.

106. Moraga, Instrucción.

107. José María Estudillo to the comisionado of Pueblo San José, Monterey, December 3, 1806, Archive of San Jose, Vol. III.

108. Sal to Gabriel Moraga, Monterey, November 2, 1795, Archive of San Jose, Vol. IV.

109. Borica to the alcalde, Monterey, March 27, 1799, CA 23.

110. José Arguëllo to Arrillaga, Monterey, June 12, 1792, CA 23.

111. Borica to the comisionado, Monterey, February 23, 1799, CA 23.

112. Raymundo Carrillo to the comisionado of Pueblo San José, Monterey, February 20, 1802, Archive of San Jose, Vol. IV.

113. Goycoechea to [no person given], Santa Bárbara, December 31, 1798, CA 50; Borica to Goycoechea, Monterey, March 23, 1798, CA 23.

114. Florian F. Guest, "Municipal Institutions in Spanish California, 1769-1821," 1961, Ph.D. Thesis in the Library of the University of Southern California, pp. 235-238.

115. Fr. José Señán to the Marqués de Branciforte, Colegio de San Fernando, México, May 14, 1796, AGN, Californias 49.

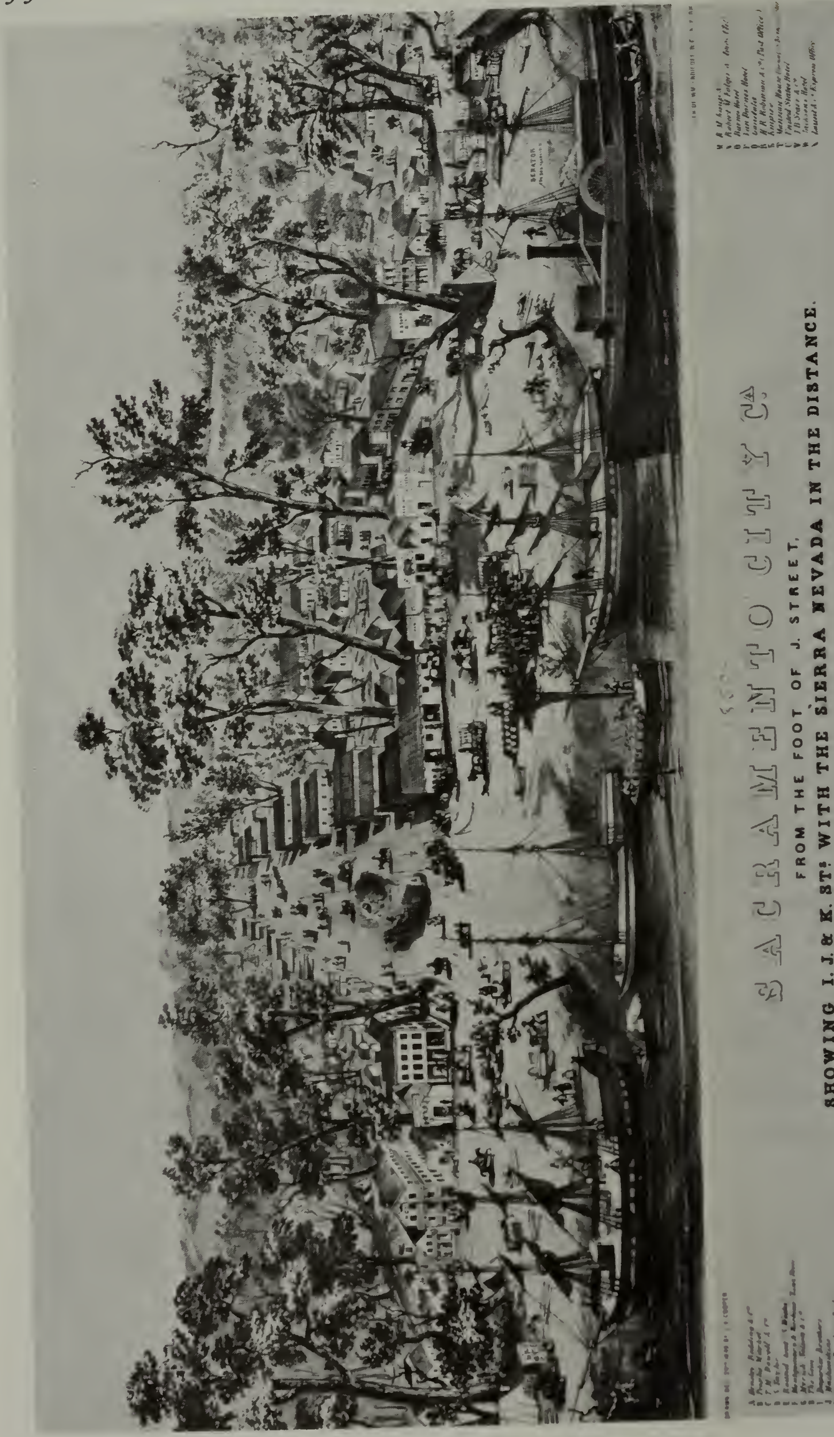
116. Fr. Isidoro Alonzo Salazar to the Marqués de Branciforte, Colegio de San Fernando, México, May 11, 1796, AGN, Californias 49. A *cotón* was a loose-fitting garment commonly worn by the Indians at the missions.

117. A *trapo* was a kind of cloth. A *taparrabo* was a breechcloth.

118. Señán to Branciforte, Colegio de San Fernando, México, May 14, 1796, AGN, Californias 49.

119. *Ibid.*

120. Señán to Branciforte, México, May 14, 1796, AGN, Californias 49; Salazar to Branciforte, México, May 11, 1796, AGN, Californias 49.


SACRAMENTO CITY CA.
FROM THE FOOT OF J. STREET,
SHOWING I. J. & K. STS WITH THE SIERRA NEVADA IN THE DISTANCE.
SENATOR

Courtesy of the Los Angeles County Museum of Natural History.

First of the Gold Rush Theatres

By Charles V. Hume

The discovery of gold in California prompted one of the greatest mass migrations in history. By every conceivable means men rushed headlong toward the promised Eldorado. Across the Plains, around the Horn, and through the swampy Panamanian Isthmus, daring men raced headlong, caught up in the fever whose contagion was sweeping the cities of the East. Destination of the hordes of Argonauts was Sacramento, a tent city located at the confluence of the American and Sacramento rivers.

Sacramento, in January of 1849, consisted of a few improvised warehouses and an old storeship that helped to augment the few stores located at Sutter's Fort, some three miles upstream on higher ground. The gold discovery brought but a trickle of immigrants during the winter of 1848-49, but as the warm weather of early spring cleared the foothills of snow and the few roads leading to the gold fields became passable, the trickle became a torrent soon to engulf the quiet valley. In six months 233 vessels from all parts of the world sailed through the Golden Gate, their passengers bound for Sacramento, the gateway to the Mother Lode Country. During the summer of 1849 the migration continued to swell the tent city, and by September Sacramento had mushroomed into a city of five thousand.[1] Thousands of men paused in the city only long enough to shoulder their packs and then raced on to stake out a claim. For many of the earlier miners, the lure of gold lost its appeal in the hard work necessary to raise a little "color," and they turned from the hills to find their gold in providing supplies and services to the eager newcomer who had arrived with a grubstake and who was anxious to spend it. Hundreds of men returning from the mines for a respite

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from the hardships of their adventure, sought entertainment to banish the thoughts of home, now thousands of miles away. In Sacramento City could be found the bright lights, noisy saloons, and entertainment designed to relieve the tedium of the miner's life. Life was not easy in this new settlement, and the gambling "hells" were not for the naive. Becoming enmeshed in the whirling wheels of fortune, many a miner saw his newly won riches slip away from him. But, they had to come to "see the elephant," and see it they did, no matter the cost.[2]

The saloons offered poor whiskey and poorer entertainment, usually consisting of two or three musicians who played solely to drown out the din of adjacent canvas-walled saloons. The first saloon keeper was an enterprising man who took a sail from a ship tied at the embarcadero, wrapped it around three trees, put a plank across two barrels and "opened" for business an hour after his arrival. When the early summer's heat reached the salt-stained canvas walls, his saloon was dubbed the "stinking tent."[3] No sooner had this, the first of the saloons, been established than the proprietors of the Round Tent Saloon had arrived with a commodious tent, a polished bar with mirrors, and a fine collection of pictures well calculated to please the visiting miner. These gentlemen had hit "pay dirt" with their little bit of home, and for months the Round Tent was the most popular saloon in the city. Not content with a good thing, the proprietors, following an expansion pattern familiar in the Eastern states, decided to build a theatre and import a troupe of actors. To Messrs. Z. Hubbard and Brown can go the credit for construction of the first public building in Sacramento and the first theatre in the Far West, the Eagle Theatre.

Work on the theatre was begun in July of 1849, and in two months the building was ready to be occupied.[4] The Eagle Theatre adjoined the Round Tent Saloon and faced the embarcadero, center of the bustling community. The wooden framework for the theatre was sixty-five feet in length and had a width of thirty feet. The stage area extended sixteen feet from the back wall. Construction followed the pattern set by the surrounding buildings—that of using what was available. Packing boxes that had transported the bar and trappings of the Round Tent Saloon served as dressing rooms. The framework of the theatre was covered with canvas and a sheet metal roof provided extra protection from falling branches and the rains which were sure to come. Construction of any sort in this primitive region proved expensive. The pioneer newspaper the *Placer Times* estimated the cost of the theatre at eighty thousand dollars.[5] The interior furnishings were anything but elaborate. Opposite the stage a box tier or parquet consisting of three rows of rough boards would accommodate about one hundred persons while the pit would seat some three hundred more on benches. Entrance to the pit was through the Round Tent, where one might get himself "fortified" for the theatrical experience. Outside the theatre a stepladder arrangement with a "canvas nailed beneath it in deference to the Ladies,"[6] served as the entrance to the box tier. Such was California's first building designed as a theatre. Although it was crude and ill-suited to house a public gathering, it was no worse than the dozens of other buildings that made up Sacramento City.

Difficult as theatre construction might have been in this frontier settlement two thousand miles from civilization, finding a troupe of actors for the theatre was equally as difficult. C. P. Price, engaged as manager, advertised for actors, but the applicants were few and inexperienced. Fortunately, he secured John Bowman Atwater, an actor with ten years experience. Atwater had survived a tragic crossing of the plains to arrive barefoot and destitute in Sacramento. For the next two years Atwater would prove to be one of the most important persons in California theatre business. To Atwater goes the credit for securing the remainder of the Eagle Company and later, as he assumed the managership, for maintaining a season of productions. Jack Harris, one of the soldier-actors of the early California regiment, joined the company along with Tench Fairchild and Henry F. Daly. Fairchild had gained experience as a saloon entertainer and served the new company as a super and as a singer for the entr'actes. Probably the most seasoned performers were Mr. and Mrs. Henry Ray who had just arrived from the theatres of Auckland, New Zealand, to complete the roster of the first acting company in the Far West. With but five men and one woman in the company, the manager found it necessary to rewrite the available plays to suit his limited group.

The Eagle Theatre opened on Thursday evening, October 18, 1849, with a production of *The Bandit Chief* or *The Forest Spectre*. The doors opened at six-thirty o'clock with the performance scheduled at eight o'clock. Tickets were $3 for the pit and $5 for the parquet. Coins were not much in evidence, but a pinch of "dust" at twelve dollars value to the ounce, was accepted in lieu of currency. Mingling with the crowd of bearded miners were three men who have recorded their reaction to the opening night performance. They were Bayard Taylor, author of *Eldorado*, one of the earliest descriptions of the gold rush days; Stephen A. Massett, an entertainer, writer, and adventurer; and J. E. Lawrence, a newspaperman. The *Placer Times* took note of the social gathering and reviewed the opening night by commenting:

> The Eagle Theatre opened on Thursday evening to a full and we may add fashionable house, for the "dress circle" was graced by quite a number of fine well-costumed ladies, the sight of whom was somewhat revivifying. Of the performance we have no room to speak in detail, nor to point out the many imperfections which no doubt will be corrected after a few representations. Messrs. Hubbard, Brown, and Co. deserve the patronage of the theatre going public for building such a comfortable and well-arranged house.[7]

Massett in describing the performance commented that the orchestra consisted of a violin; a very cheezy flageolet, played by a gentleman with one eye; a big drum; and a triangle that served the double purpose of ringing in the boarders to their meals at the boarding house next door.[8] Bayard Taylor described the opening night's performance in some detail:

> Passing through the bar-room we arrive at the entrance. The spectators are dressed in heavy overcoats and felt hats with boots reaching to the knees. The sides of the theatre are canvas which, when wet, effectually prevents ventilation and renders the atmosphere hot and stifling. The drop-curtain, which is down at present, exhibits a glaring landscape with dark brown trees in the foreground, and lilac-colored mountains against a yellow sky.
>
> The overture commences; the orchestra is composed of only five members, under the direction of an Italian and performs with tolerable correctness. The piece for the night is *The Spectre of the Forest*, in which the celebrated actress, Mrs. Ray "of the Royal Theatre, New Zealand," will appear. The bell rings; the curtain rolls up; and we look upon a forest scene, in the midst of which appears Hildebrand, the robber, in a sky-blue mantle. . . . Mrs. Ray rushes in and throws herself into an attitude in the middle of the stage; why she does it no one can tell. The movement which she repeats several times in the course of the first three acts has no connection with the tragedy; it is

> evidently introduced for the purpose of showing the audience that there is, actually, a female performer. The miners, to whom the sight of a woman is not a frequent occurrence, are delighted with these passages and applaud vehemently.
>
> In the closing scenes where Hildebrand entreats the heroine to become his bride, Mrs. Ray shone in all her glory. "No!" said she, "I'd rather take a basilisk and wrap its cold fangs around me than be clasped in the embraces of an "artless robber!" We will not stay to hear the songs and duets which follow; the tragedy has been a sufficient infliction.[9]

The Bandit Chief or *The Forest Spectre* has been lost; efforts to recover it have been to no avail. It would be interesting to see what kind of a play would merit being chosen for such an auspicious occasion. We do know something of the other plays presented during the season, and they were typical stock pieces that one might find in any theatre in the East. The records of the season are incomplete, but it is known that such favorites as *Douglas* by John Home, and *Charles II* by John Howard Payne and Washington Irving were repeated several times. Other plays performed were John Tobin's *The Honeymoon;* Sheridan Knowles' *The Wife;* K. Week's *The Beacon of Death; The Shoemaker in Trouble*; T. E. Wilk's *The Seven Clerks;* J. S. Knowles' *William Tell*; J. T. G. Rodwell's *The Young Widow*; J. H. Payne's *Love in Humble Life*; Edward Fitzball's *Floating Beacon*; J. M. Morton's *The Sentinel*; Joseph Lunn's *Family Jars;* C. A. Somerset's *Day After The Fair*; J. M. Morton's *Box and Cox*; August Kotzebue's *The Stranger*; and T. J. Dibdin's *Lady of the Lake.*

The Eagle closed early in November, reputedly to make ready a few more plays, but actually the management was hard pressed to make expenses. Attendance had been very poor, perhaps a result of the prices, but these were reduced after the first week to $3 for the parquet and $2 for the pit. A capacity house would bring the managers about $900, but there were few nights that saw a full house. Hubbard had overextended himself with the theatre and his creditors forced him to sell out. During the period of reorganization, Atwater was made manager and John Herbert McCabe, a character actor, was employed to supplement the company. It is from McCabe's accounts of this early theatre that we get the bulk of the information about the

Eagle company.[10] He tells us something of the expenses and salaries that were paid these early actors. The Rays were paid $275 per week plus their board, lodging, and washing. Atwater, as manager and low comedian for the group, received $60 per night. C. P. Price, manager of the theatre received $150 per week. McCabe listed his own salary as $100 per week; that of Daly as $60 per week; Fairchild, $75; the box doorkeeper, $20 per week, and the pit doorkeeper, $28 per week.[11] The extra pay of the pit doorkeeper was "on account of the risks he ran." Torrential rains brought the Sacramento River knee-deep into the theatre which limited the number of the audience but not their enthusiasm. During a performance of *Douglas*, the water rose inches deep into the pit before the doors opened, and the play had progressed but an act or two when the benches ceased to afford a dry foundation. At last the water rose over the top of the seats nearest the stage. Some of the miners took great pleasure in wading along the seats covered with water and sitting on the rail around the orchestra. Occasionally one would appear to be roused to enthusiasm; and, while shouting his approbation, would throw out his arms, striking his neighbors on either side thus precipitating them into the water. This sometimes caused a laugh, and sometimes a fight, but always interrupted the performance for a while.[12] Adding to the incessant rains, a Southeaster swirled into Sacramento and damaged the theatre, necessitating its closing during the week of December 18 to 24, 1849. No sooner had repairs on the Eagle been completed than a new downpour threatened to send the river out of its banks again. The company presented *The Wife* and *Beacon of Death* on December 24, 1849, but rising waters forced them to evacuate the theatre. The flood spread through the business district carrying away many of the most flimsy buildings. Silt and debris blocked the embarcadero and halted business for some time. Discouraged by the continuing rain and flooded conditions, Atwater's company, on January 4, 1850, took a boat and floated down to San Francisco. Here they engaged Washington Hall, which they promptly renamed the Eagle, and opened San Francisco's first theatre on January 16, 1850. Bad luck seemed to follow the Eagle company, for they played to small houses in San Francisco, and at the end of the first week the final blow came with the treasurer's announcement that the week's receipts had been lost at monte. With this announcement the pioneer acting company disbanded, and many of the company left California never to return.

The productions that this pioneer company staged in Sacramento were probably of no great merit as compared with the productions in the established theatres of the East. But to the residents of this new city, a theatre was a bond to civilization. Isolated thousands of miles from the society they once knew, Sacramentans were eager to welcome a dramatic company to relieve the monotony of their rugged existence. Before the Eagle opened, there had been no public entertainment except bullfights and an occasional horse race. The theatre venture proved to Atwater that Sacramento could support a theatre, and we find him returning to the city within a few months to form a new company. Had it not been for the heavy rains that made travel after dark hazardous, and the floods that made it impossible, it is most likely that the Eagle company would have had a financially successful season. In any event, this pioneer theatre venture presaged an extensive theatre program in Sacramento that would see within a year's time three theatres offering a different play each night. It was here in Sacramento that Edwin Booth's earliest years in the theatre were spent and where he essayed many of his dramatic roles. Before long, four year old Maude Adams, La Petite Lotta Crabtree, Junius Brutus Booth, David Belasco, James A. Herne, Dion Boucicault, Adah Menken, Lola Montez and scores of other famous troupers would contribute to the array of talent that crossed Sacramento's stages.

NOTES

1. Alonzo Delano, *Life on the Plains and among the Diggins* (Buffalo, 1854), p. 97.
2. Joseph A. Benton, *The California Pilgrim* (Sacramento, 1853).
3. F. J. Morse, *The Sacramento Illustrated* (Sacramento, 1855), p. 28.
4. *Placer Times,* September 1, 1849.
5. *Ibid.*
6. Bayard Taylor, *Eldorado, or Adventures in the Path of Empire* (New York, 1850), p. 205.
7. *Placer Times,* October 20, 1849.
8. Stephen C. Massett, *Drifting About, or What Jeems Pipes of Pipesville Saw and Did* (New York, 1863), p. 135.
9. Bayard Taylor, *Eldorado,* p. 206.

10. John Herbert McCabe, "Theatrical Journals and Diary, 1849-1882," Unpublished journals, California State Library.

11. John Herbert McCabe, "Historical Essay on the Drama of California," *First Annual of the Territorial Pioneers of California* (San Francisco, 1877), p. 74.

12. Walter M. Leman, *Memories of an Old Actor* (San Francisco, 1886), p. 232.

The Occupation of Santa Catalina Island During the Civil War

By Theodore Kornweibel, Jr.

On January 1, 1864, a detachment of federal troops sailed from Wilmington Harbor to take possession of Santa Catalina Island, located twenty-six miles off the coast of Southern California. The purpose was to secure the island for use as an Indian reservation. The Army, however, never had announced why the island was occupied, so local opinion, buttressed by past rumors, concluded that the action was taken to forestall a Confederate attempt to seize the island and establish a privateer base.

Unfortunately for today's historian, the real reason for the occupation, while known to some Californians, was never reported in the Southern California newspapers. Early local historians and natives writing memoirs repeated the rumors of a Confederate plot, using as evidence the newspaper inaccuracies. Here is a case in point of the frequent inadequacy of local history which is no more than an uncritical repetition of earlier works brought up to date. This problem becomes serious when the historian, writing of national issues, is forced to rely upon local history to support his generalizations. In the case of Santa Catalina Island the Confederate plot explanation may very well have served to distort and exaggerate the amount of Confederate sympathy in Southern California. Yet, in the minds of some Californians, such a plot *was* possible, and this explains how the incorrect explanation gained credence. To understand this the divided political sympathies of the state at this time must be briefly discussed.

Although California remained loyal during the Civil War, senti-

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Theodore Kornweibel, Jr., completed his graduate work at the University of California, Santa Barbara Campus.

Courtesy of the Los Angeles County Museum of Natural History.
Santa Catalina Island shortly after the Civil War.

ment within the state was seriously split. Four alternatives faced Californians: they could remain with the Union, declare loyalty to the Confederacy, declare independence from the United States, or remain neutral.[1] Southern California was frequently thought to be dominated by Secessionist sentiment, and the small Army post at Drum Barracks in Wilmington was kept busy investigating alarmed reports of subversive activity, most of which proved groundless. Among these were rumors that the miners on Santa Catalina Island were Southern sympathizers, and when the Army occupied the island without explanation, the fears of a Confederate privateer base were confirmed in the minds of part of the populace. This article will first disprove the Confederate conspiracy idea, and then show why the island was never used for its intended purpose.

On November 21, 1863, Lieutenant Colonel James F. Curtis, commander of the District of Southern California, directed one of his officers, Major Henry Hancock, to go to Santa Catalina Island and conduct a reconnaissance.[2] He reported that the island possessed excellent harbors which could be easily fortified. Furthermore, it was capable of becoming a "vast military and naval depot and key point in a long reach of the Pacific Coast."[3] The best harbor was said to be Isthmus Harbor, on the ocean (SW) side of the island at the isthmus.[4] This report was forwarded to Curtis' superior in San Francisco, Brigadier General George Wright, the commander of the Department of the Pacific.[5]

Early in December Wright ordered a company of infantry to take possession of the island and remove all persons from it except government employees or others whom Colonel Curtis should exempt.[6] A day later, however, Curtis was told to delay the occupation until he received further instructions;[7] on that same day he and Major Hancock boarded the ship *Senator* and sailed to San Francisco, presumably to confer with Wright.[8]

After Curtis returned to Wilmington, Wright instructed Captain Benjamin R. West, one of Curtis' company commanders, to take possession of Santa Catalina Island, have previous settlers leave by February 1, and keep all new settlers off the island.[9] The troops embarked on the schooner *San Diego* on January 1, and took post on the isthmus the next day.[10] West's formal report of the occupation as well as a detailed description of the island were sent to Wright on January 12,[11] who later forwarded them to Washington.

In none of the correspondence between West, Curtis, and Wright before January 1 was any indication given as to the reason for the occupation or was a public statement ever made by the Army. Contemporary observers had to find an explanation on their own, and the possibility of Secessionist activity quite naturally came to mind.

Angeleños were first appraised of the coming occupation by a notice placed in the Los Angeles *Tri-Weekly News* on December 28, signed by West, which gave no reason for the occupation but merely directed all persons who were on the island to leave it by the deadline. It also stated that this was an order from the Department of the Pacific.[12]

In its next issue, the *Tri-Weekly News* editorialized on the seizure of the island. It stated that the island unquestionably belonged to the government, so no justification had to be given for the occupation even though "enemies of the government" might cry foul. The reason for the occupation was thought to be two-fold. In the first place, the island would be a convenient place to detain "traitors to their country." The second reason was to "flustrate [*sic*] some evil design or other. Rebel emissaries are running at large everywhere among us; . . ."[13] Here, then, supposed Confederate designs on Santa Catalina Island were introduced into the matter.

The *Tri-Weekly News* elaborated on this point when it reported the sailing of troops for the island. In announcing that West and Company C of the Fourth California Volunteer Infantry, now commanded by Lieutenant Patrick Munday, had occupied the island, it was reported that "the rebel 'deposits' [mines] will no doubt be placed in charge of Lieut. Munday." Furthermore, "this movement will no doubt shock the 'copper brained' politicans—here the growl comes in."[14] This repeats the suspicion that the miners of Santa Catalina Island were Confederates who were using mining only as a pretext until the time should come for subversive activity.

At the end of the month the paper reported that "the Government needed the Island for a military depot and harbor defense for the protection of commerce [against privateers?], &c."[15] Later, the *Tri-Weekly News*, perhaps thinking about the possibility of Confederate action on the other Channel Islands, lamented that they had not all been seized at the beginning of the rebellion, thereby eliminating a great annoyance to both California and the federal government.[16]

The extent of the influence of the Los Angeles *Tri-Weekly News* on the populace of Southern California is difficult to ascertain. It boasted in 1862 that it had the largest circulation of any Southern California newspaper, but this may have been due to the fact that the other daily newspaper, the Los Angeles *Star*, was banned from the mails at that time for its criticism of the federal government.[17] It is probable, however, that the *Tri-Weekly News* succeeded in persuading the segment of the population that favored the North that Santa Catalina Island was seized to forestall a Confederate takeover, especially since the *Star* remained totally silent on the occupation.

The effectiveness of this newspaper in the perpetuation of the Confederate conspiracy story can be seen in the literature about Santa Catalina Island written by local historians. An early reference to the affair is an article by J. M. Guinn, published in 1890 in *The Overland Monthly*. The author, a resident and historian of Southern California, spoke of the occupation as a consequence of the mining activities on the island. He stated that the island was taken

> to prevent it from becoming a rendezvous for privateers. The relations between the honest miners and the country's defenders were somewhat strained. Each regarded the other with suspicion. There were rumors that this mining rush was a blind to conceal a plot to seize the island and make it a rendezvous for Confederate privateers—an *entrepôt* from which these vessels could fit out to prey upon the commerce of the Coast. ... Many of the miners were Southern sympathizers, but whether such a plot was ever seriously contemplated is doubtful. The government determined to forestall the possibility of it, however, by taking military possession of the island and evicting the miners.[18]

Thus the old explanation was given new life in an historical journal.

This article alone could not have gained total acceptance for the old theory. That remained for Harris Newmark, a successful Los Angeles wholesaler and merchant. In his memoirs, entitled *Sixty Years in Southern California: 1853-1913*, published in 1916, Newmark repeated the same reason for the occupation, but with more certainty:

> just as the [mining] boom seemed likely to mature, the National Government stepped in and gave a quietus to the whole affair. With or without foundation, reports had reached the Federal authorities that the movement was but a cloak to establish there well-fortified Confederate headquarters for the fitting out and repair of privateers intended to prey upon the coastwise traders; ... [19]

The significance of Newmark is not simply in his repetition of the old story, but that his book has had wide circulation and is considered an important source on Southern California history.

One more example will be sufficient to show the wide acceptance of the privateering theory. William A. Spalding, a longtime resident of Los Angeles, also repeated the same explanation in his memoirs, published in 1931:

> An effort was made early in the year [1863] to start a mining boom on Catalina Island. ... Reports reached the federal authorities that the movement was a cloak to establish a fortified Confederate base for the fitting out of privateers to prey upon west coast commerce.[20]

The similiarity in language between Newmark and Spalding seems to be more than coincidental, and their debt to the *Tri-Weekly News* is evident.

In the narratives of the Los Angeles *Tri-Weekly News*, Guinn, Newmark, and Spalding, one principal reason is given for the occupation of Santa Catalina Island. It has been shown that it was the *Tri-Weekly News* that suggested this reason, while the military offered no explanation at all. Yet, at this time there was practically no danger of privateering on the California coast.[21] Neither conditions on the West Coast nor the evidence in official military records support the old theory of a Confederate takeover, but instead point to a far different conclusion. The actual reason for taking Santa Catalina Island was that the Department of the Pacific wanted to use it as an Indian reservation. The Army records to be discussed provide ample proof of this conclusion.

It will be remembered that in November Colonel Curtis ordered a reconnaissance of the island to be made by Major Hancock. His instructions were:

> In view of the probability that the neighboring island, Catalina, may soon be of commercial importance, you will proceed there tomorrow and obtain such information as can speedily be had of its resources and advantages as a military point. The harbor upon its westerly side will claim your best attention. Ascertain its extent, scan well its surrounding points, and learn by whom, if at all, the lands adjoining the harbor are occupied. . . .[22]

The reason Curtis wanted information about the island at this date is unclear, as no record has been found of whether he did this on the order of General Wright or on his own initiative.

On November 26 Curtis received the report on the advantages of the island. It stated that if an enemy with a respectable naval force were in possession of the island much damage might be done to the federal government. In view of that fact, the report concluded that

> it would seem of vital moment that in the way of coast defense a small force with a few guns should be permanently stationed there at once to prevent the possibility of its falling into the power of a maritime enemy. . . .[23]

Here Hancock might have been thinking of the past rumors of Confederates on the island; on the other hand, his recommendation may have been the product of a farsighted military mind recognizing the natural military advantages of the island.

When Curtis sailed to San Francisco on December 9, he was accompanied by Major Hancock. They undoubtedly discussed the matter of Santa Catalina Island with General Wright. It was probably at this time that Wright informed Curtis of his plans for the island.

A communication to the Adjutant General of the Army written on December 21, 1863, is the first evidence extant of Wright's interest in the island. He related the difficulties in the District of the Humboldt (north of San Francisco) created by the Klamath, Redwood, and Trinity Indians who would not remain on their reservations. Wright concluded that the only solution was to remove the Indians from that area, and as a new reservation location he suggested Santa Catalina Island. In listing the assets of the island, he mentioned the benefits of ample wood and water, good land for gardening, a good harbor, many goats, much pasturage and abundant fish. "With all of these advantages, I consider it the most eligible location for an Indian reservation that can be found on this coast." He further stated that if the island had been used two years previously, he could have removed all of the Indians from the District of the Humboldt at a great savings to the government of men and money. Noting that he had already ordered a post to be established there, Wright requested that the government allow him to colonize Indians on Santa Catalina Island.[24]

In the light of this evidence it is almost certain that Wright had an Indian reservation in mind when he first ordered Curtis to take possession of the island. It is also probable that it was Wright who ordered Curtis to have the reconnaissance of the island made. Furthermore, Wright could not have had such a detailed knowledge of the island unless he had seen the reconnaissance report or had talked with Hancock, the author of that report. It is also clear from Wright's message to his superiors that he was not acting to forestall any Confederate takeover of the island. In none of his correspondence is there any indication that he feared such action.

It is unfortunate for today's historian that the Army never made any public announcement as to the real reason for the occupation. It is easy, however, to imagine good reasons for withholding the true purpose. There would have been consternation in Southern California had it been known that the Army wanted to colonize the island, located a mere twenty-six miles from the mainland, with hostile Indians recently on the warpath.

Curiously enough, General Wright's intentions were known to the public in San Francisco, but apparently this information never reached the Southern California newspapers. The San Francisco *Daily Alta California*, either having interviewed Wright or having learned from sources close to him, stated in an editorial on January 6 that the island was to be used as a reservation.[25] Reporting of this fact, less than a week after the occupation, should have been sufficient to establish the army's motives.

Despite the accurate reporting of the *Alta California*, only one historian, to this writer's knowledge, has properly understood the motive of the army since the Los Angeles *Tri-Weekly News* first suggested reasons for the occupation. Aurora Hunt, in *The Army of the Pacific*, properly reports that Wright wanted to colonize the Humboldt Indians on Santa Catalina Island.[26] Miss Hunt's conclusions deserve more acceptance than Newmark's repetition of historic rumor, but unfortunately, Newmark is still quoted today.

General Wright was convinced that the best course of action was to colonize the Indians on Santa Catalina Island, but he was never given the opportunity to put his ideas to a practical test. A lack of enthusiasm on the part of the War Department and adverse decisions by the Department of the Interior combined to defeat the plan. If the War Department had vigorously backed Wright's suggestion and indicated a strong conviction as to the feasibility of an island reservation, the Department of the Interior might have been more amenable to the proposal.

It will be recalled that in December Wright first suggested to the War Department that the island be used.[27] On January 18 he subtly hinted that some action should be taken without delay, asking the Assistant Adjutant General that "when you receive my letter of the 21st of December I shall be glad to know the views of the Department by telegraph."[28] A few days later Wright reiterated that the Indians had to be totally removed from the area because the reservation system then in effect had proved to be a failure.[29] On February 8 he again prodded Washington for an answer.[30] Finally, on February

20, almost two months after he first proposed that a reservation be created, Wright was informed that the War Department had requested the Department of the Interior, of which the Bureau of Indian Affairs was a part, to make Santa Catalina Island a reservation.[31] This was to be the only positive action taken by the War Department. From then on the military made little effort to influence or hurry the decision of the Department of the Interior.

About a week later Wright impatiently wrote Washington three times in one day. He requested that the decision of the Interior Department be forwarded to him as soon as possible by telegraph.[32] He also asked if he could send captured Indians to the island at once,[33] without a decision by the Department of the Interior. No answer to this request has been found.

If General Wright was irritated because no action was taken on his proposal, the wartime bureaucracy was probably to blame. Not until February 11 did the War Department send his letter to the Secretary of the Interior. The War Department made no recommendation—the letter was simply forwarded.[34] It was then sent to the Bureau of Indian Affairs for its views.[35]

Perhaps even the War Department grew impatient, for on March 8 it requested the Bureau of Indian Affairs to act promptly; the request was promptly filed.[36] Action, however, was being taken. Two days later the Secretary of the Interior asked the Commissioner General of the General Land Office to furnish him with information about the island, particularly of its suitability for agriculture.[37] By the next day, March 11, the decision had been made, and the Secretary of the Interior wrote to Edwin A. Stanton, Secretary of War, giving him the news:

> If the Island mentioned in the Commissioner's letter and in that of Genl. Wright, is the same, I am not favorably impressed with the idea that it possesses the advantages requisite for an Indian Reservation. Upon referring to the U. S. Coast Survey report of 1856 I found a description of the island, and enclose a copy of it for your information, not doubting that you will agree with me, that it is valueless for the purpose referred to.
>
> I am in favor of concentrating the Indians upon reservations where they can be properly maintained, . . .[38]

Thus was General Wright's plan defeated before it was given a trial. Presumably he got the news of the decision within a few days, although the document has not been found. This was not, however, the end of attempts to secure the island for a reservation, as protests against the decision were lodged by the Superintendent of Indian Affairs for California, Austin Wiley, while Wright was left to care for the Indian prisoners as best he could.

On June 1 Wiley wrote to the Acting Commissioner of Indian Affairs protesting that putting the Indians on reservations north of San Francisco was no better than turning them loose. He stated that he had asked General Wright to keep the Indians until he (Wiley) could arrange for them to be transported south of San Francisco.[39] Four days later Wiley again attempted to get the reservation by asking that a "temporary home" be established for the Indians on the island. The reason was that they should be removed from their homeland at once, but that it would take several months to locate a new reservation north of San Francisco. Wiley felt that this should be done for humanitarian reasons to show those who had suffered at the hands of the Indians that something was being done to relieve them.[40] Apparently Wright was aware of and condoned those efforts by Wiley.[41]

Late in June Wiley renewed his entreaties by telling the Commissioner of Indian Affairs that General Wright fully concurred in the plan for a new reservation and that in anticipation he was holding and feeding the Indian prisoners until they should be removed. Hostilities in the Humboldt area were nearly ended, and the Indians indicated a willingness to surrender.[42] All that was needed was a home for them.

The Commissioner of Indian Affairs, William P. Dole, finally scotched these attempts to alter the decision. In a letter to Wiley he stated that

> I cannot consent that you should relieve the military authorities of the care and subsistence of the Indians now held by them as prisoners. It has ever been customary for the War Department to provide for the necessities. When the Indians shall have been subdued by military force, or induced to submit to peaceable negotiation, I apprehend that but little difficulty will be encountered in securing their concentration upon the Round Valley reserve, or upon such other reservation as I hope to learn will then have been established.... [43]

He concluded that there was no money available for establishing a new reservation and that, even if there was, it would not be needed and would be disastrous to the Indians.

Wiley acceded to this decision, but still got the last word in. He stated that he would locate the Indians at two existing reservations in the Humboldt District, although he said that such action was foolish. His judgment of the decision not to establish a reservation on the island was far from optimistic:

> General Wright and his successor, General McDowell, fully concur with me in the opinion that the policy of making the attempt to move hostile Indians, unless they can be taken south of San Francisco, is suicidal. . . .[44]

Once it was certain that Santa Catalina Island would not be used as an Indian reservation it was swiftly evacuated. On September 14, 1864, the last of the "army of occupation" left the island.[45] Apparently there was then no fear of a Confederate takeover, for the Unionist *Tri-Weekly News* was silent on the withdrawal. Probably by this time much of the hysteria over Confederate plots had disappeared as the Confederacy was continually pushed to the defensive. A few of the miners who had been evicted by the occupation returned, but for the most part Santa Catalina Island slumbered for two decades, undisturbed by the mainland. The bloodless occupation, by removing most of the population from the island, had served only to prolong its isolation. Yet the story of Confederate plotting did not slumber. Revived by Guinn, given currency by Newmark and Spalding, it still survives to distort the history of Southern California during the Civil War.

NOTES

1. Benjamin Franklin Gilbert, "California and the Civil War," *The California Historical Society Quarterly*, XL (December, 1961), 291.

2. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Ser. 1; Washington, 1897), L, Pt. 2, 686.

3. *Ibid.*, 687.

4. *Ibid.*, 686. The harbor was later renamed Catalina Harbor, and the harbor on the channel side of the isthmus was named Union Bay. See *Ibid.*, 720.

5. "Letters Received August 1863 to January 1865" (Department of the Pacific), Record Group 98, Records of United States Army Commands, National Archives, 14.

6. *Official Records,* L, Pt. 2, 692.

7. "Department of the Pacific Letter Book March 1863-July 1864," Record Group 98, National Archives, 420.

8. "Camp Drum, Cal. Orders Oct. 1862-Dec. 30, 1863," Record Group 98, National Archives, unpaged.

9. *Official Records,* L, Pt. 2, 714.

10. "Post Return of Troops Stationed at Santa Catalina Island Cal," Record Group 94, Records of the Adjutant General's Office, National Archives, return for first ten days of January, 1864.

11. *Official Records,* L, Pt. 1, 244-246.

12. Los Angeles *Tri-Weekly News,* 28 December, 1863, 2. No notice was placed in the other Los Angeles newspaper of that time, the Los Angeles *Star*, as this paper was a Copperhead journal and was in disfavor with both the civil and the military authorities. The *Tri-Weekly News,* on the other hand, was generally a Union newspaper.

13. *Ibid.,* 30 December, 1863, 2.

14. *Ibid.,* 6 January, 1864, 2.

15. *Ibid.,* 29 January, 1864, 2.

16. *Ibid.,* 26 February, 1864, 2.

17. William B. Rice, *The Los Angeles Star: 1851-1864* (Berkeley and Los Angeles, 1947), 218.

18. J. M. Guinn, "An Early Mining Boom on Santa Catalina," *The Overland Monthly*, XVI, 2nd Series (November, 1890), 478.

19. Harris Newmark, *Sixty Years in Southern California: 1853-1913* (3rd ed. rev., Boston and New York, 1930), 318.

20. William A. Spalding, *History and Reminiscences: Los Angeles City and County: California* (Los Angeles, 1931), 163.

21. For a discussion of abortive Confederate privateering attempts see Brainerd Dyer, "Confederate Naval and Privateering Activities in the Pacific," *The Pacific Historical Review,* III, 433-443.

22. *Official Records,* L, Pt. 2, 686.

23. *Ibid.,* 687.

24. *Ibid.,* 706.

25. San Francisco *Daily Alta California,* 6 January, 1864, 2.

26. Aurora Hunt, *The Army of the Pacific* (Glendale, 1951), 248-250.

27. *Official Records,* L, Pt. 2, 706.

28. *Ibid.,* 728.

29. *Ibid.,* 733.

30. *Ibid.,* 743.

31. *Ibid.,* 760.

32. *Ibid.,* 772; 773.

33. "Department of the Pacific Letter Book March 1863-July 1864," 516.

34. "Letters Received by the Office of Indian Affairs, 1824:81: California

Superintendency 1863-1864," Record Group 75, Records of the Bureau of Indian Affairs, National Archives, February 11, 1864.

35. "Indian Division: Register of Letters Received. Indians. No. 4. Dept. of the Interior. Jan. 2, 1862-Dec. 27, 1865," Record Group 48, Records of the Office of the Secretary of the Interior, National Archives, 26.

36. *Ibid.*, 29.

37. "Indian Division: Record of Letters Sent. Indian Affairs. No. 4 1862-1864. Jan. 3 to June 30," Record Group 48, National Archives, 432.

38. *Ibid.*, 434.

39. *U. S. Department of the Interior Annual Report 1863/64* (Washington, 1864), 271.

40. *Ibid.*, 272.

41. "Department of the Pacific Letter Book March 1863-July 1864," 616.

42. *Department of Interior Annual Report*, 274.

43. *Ibid.*, 276.

44. *Ibid.*, 277.

45. "California. Morning Reports Cos. A. B. C. 4th Infantry," Record Group 94, National Archives, September 14, 1864.

NEW BOOKS

California's First Archbishop: The Life of Joseph Sadoc Alemany, O. P., 1814-1888. By John Bernard McGloin. (New York: Herder and Herder, 1966. 412 pp. $9.50.) Reviewed by John A. Hawgood.

When Miss Louise Kellogg composed her excellent brief notice of Archbishop Alemany for the Dictionary of American Biography in the year 1927, she had to rely mainly on Father Engelhardt's *Missions and Missionaries of California* (completed in 1915) and on J. G. Shea's *History of the Catholic Church in the United States* (1892), neither of which had made extensive use of the archives of the Archdiocese of San Francisco. Alemany has had to await the full scale and carefully researched biography that he so richly deserved until Father McGloin, in the midst of a busy life as a university teacher and in the cure of souls, could comb these archives and many other sources of information, such as the ever useful Bancroft Library at Berkeley. His is a highly sympathetic, yet by no means an entirely uncritical, biography and it puts Alemany in his true place as one of the leading architects of the religious and social institutions of what has now become the most populous state of the Union. When Alemany first came to California, as Bishop-elect of Monterey, in 1850, California had only one hundred thousand people, but he reported (September 9, 1850) that the city of San Francisco contained fully forty thousand of these and prophesied that in twenty years it would "rival New York." He compared it with the tiny village it had been "two or three years ago." Shortly after his transfer to the See of San Francisco in 1853, he found fifty-five thousand Catholics, forty thousand Protestants, and one hundred thousand infidels under his care, and these figures had risen to sixty-five thousand Catholics, sixty thousand Protestants, and sixty thousand "Unbaptised" by the end of 1854. He sadly remarked about this time that the great immigration caused by the Gold Rush had brought both Protestantism and immorality to California. But he was no bigot, and he also complained of the low quality of the Irish Roman Catholic priests who were then reaching the state.

It needed a tolerant and a broad-minded man to exercise proper spiritual authority and give adequate civic leadership in the polyglot and unruly community of Gold Rush San Francisco and California, and Alemany admirably fulfilled the destiny that had been so suddenly and unexpectedly thrust upon him in Rome in 1850. By the time he retired from his see in 1884, to spend his last days in his native Spain, San Francisco had become one of the great cities of the world and one of its most important ports, no more lawless and no more deficient in culture than any other great city or port. He had witnessed and to a major extent guided its transformation from the crudities of the eighteen fifties to the center of civilization it had become by the eighties.

The Archdiocese of San Francisco extended far beyond the city of San Francisco and the Bay Area, and Alemany made many journeys to its remoter parts. He first visited the Gold Digging in 1853 and sent a large nugget to his friend John Henry Newman in the Oratory at Birmingham, England. It weighed seventeen ounces, and Newman said it was "the wonder of all Birmingham." When traveling around California by stagecoach Alemany often sat up on the box beside the driver. He left an interesting account of his visit to Jackson and Drytown, in the Mother Lode, in 1854. In 1860 he visited Sonora, Chinese Camp, and Big Oak Flat, among other places. He also wrote an interesting comparison of San Francisco in 1858 with the situation there a decade earlier. By that time, he estimated, California had eighty-seven thousand Catholics and eighty-two thousand Protestants, while the number of "nonbaptized" had fallen to ninety thousand. It does not appear that Alemany went as far south or east as the Rio Colorado, the boundary of his see, but he was a number of times in the southern communities of the state, and very often back in Monterey and San Jose. He did much to support and expand the centers of Roman Catholic education under his jurisdiction; and, when he was instrumental in securing the release of a portion of the confiscated Pious Fund of the Californias by the Mexican Government, he was able to ensure that these institutions were more liberally endowed than had been the case in the early days, when, for instance, Santa Clara College was found by him to be "entirely without funds."

Archbishop Alemany lived a full as well as a most useful life, and was anything but a cloistered mendicant. In early San Francisco he, like many other leading citizens, followed the fire companies to the sites of the all-too-frequent conflagrations, and he became well known as a fire-buff. Unfortunately, some of his own churches were damaged or destroyed in these fires. When Father Patrick Riordan arrived in San Francisco in 1883 to act as his coadjutor, Alemany, already in his seventieth year, was able to ease up on his many activities, but his love for and interest in the people of San Francisco continued even after he returned to Spain soon afterwards. On their side the Native Sons and Daughters had long since adopted him as one of their own, and the city and diocese have not forgotten him. Father McGloin's book will serve to make this memory even greener than before.

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Gold Fever: Being a True Account, Both Horrifying and Hilarious, of the Art of Healing (So-called) During the California Gold Rush. By George W. Groh. (New York: William Morrow & Company, 1966. 340 pp. $5.95.) Reviewed by Harvey E. Starr.

An article by George Groh, "Doctors of the Frontier," was published by *American Heritage* in the April, 1963, issue. It was not extensive, only seven pages, but it introduced to me a writer who was knowledgeable of North America's medical past. A brief account of doctors in the Gold Rush closed the article, and I have selected the following quotation, because in it is the theme of the book:

> Physicians were stricken with gold fever along with everyone else—and it was prospecting, not medical opportunity, that drew many of the 1500 doctors who arrived in the Gold Rush. Shortly, however, the doctors discovered that there was more money to be made with the lancet and stethoscope than with the pickaxe and crowbar. The money to be made in medicine attracted hordes of quacks.

And so, the title of a book was created. With the accumulation of so many facts concerning the dramatic migration to California gold fields, a stirring story has been written. It is a combination of Californiana and Medicaliana—the latter of worldwide scope, because doctors from distant lands, and would-be doctors, are the principal actors in the book.

By selection of pertinent descriptions gleaned from the diaries and journals of the Forty-Niners and of those who came to California that year, or a few years following—from books, manuscripts, memoires, documents, periodicals, and newspapers—has emerged a narrative that is vivid, informative, and keenly interesting.

The book is divided into four sections: The Fever, The Voyage, The Trek, and California.

As the lengthy title suggests, the case report on Gold Fever is "Horrifying" —and, it is, grimly so. But as to "Hilarious," I will leave the connotation to the Gold Rush period, because I found little to smile about in the book. But I did feel pride in the medical profession—that it could suffer through so many stresses and yet achieve so much.

Near the close of the book, George Groh makes a statement that I can never forget. "In their rambunctious way, the physician participants served as a civilizing influence. They founded the hospitals and medical schools, established professional standards, and helped to codify the laws which shielded people from outbreaks of disease. They contributed more than soldiers and sheriffs to the taming of the West."

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Readings in California History. By N. Ray Gilmore and Gladys Gilmore. (New York: Thomas Y. Crowell Co., 1966. 374 pp. $3.50.) Reviewed by Donald C. Cutter.

History teaching has come more and more to depend upon the technique of having students study by the "readings method." This system requires gathering together what the compilers consider to be a balanced sampling of previous writings concerning the topic at issue—in this case California history. An attempt is made at balance between the various periods of state history, the Spanish, the Mexican, the Pioneer, and the Modern; and then between various aspects of these larger subjects. It is necessary to obtain permission to reprint numerous brief special studies of excerpts therefrom, and to include some of the writings of the earlier generations of California's historians, added to which some old newspaper articles appear. In this way such important earlier historians as Bancroft, Bolton, and Cleland make their contributions once more. The new generation of California's interpreters, such as Burke, Chambers, Grivas, Baur, and Carosso also enliven with their fresh insights the picture of past history.

The book consists of ninety-six rather brief selections, averaging about four printed pages each, including the short introductory portion supplied in each case, as well as an acknowledgement of the source of the "reading." Two additional editorial services would have enhanced the value of this worthy effort—inclusion of a base map indicating the locale, where possible, of the event or activity described, *e.g.*, Anza's route, Owens Valley, Durst's ranch, Kaiser's shipyards, or Forest Lawn; and a sorely needed Index.

The Gilmore book appears to have been conceived and designed to accompany or supplement the Rolle book, *California: A History*. It deserves greater acceptance, for it could easily replace in its comprehensiveness the need for a text. Nevertheless, there will be those who specialize in one or the other period of California's rich history who will feel that greater emphasis ought to have been placed on the era of their special interest. The reviewer would be the first to express a wish for more Hispanic Californiana; but upon reflection on the difficult task of selection and division of time and effort, it would be hard to improve significantly on the work of compilation and introduction done by the Gilmores.

Readings in California History will be useful not only for the instructional purposes for which it is basically intended, but also as the type of book that can give the intellectually inquisitive among the growing number of new Californians an opportunity to *become acquainted in a mature way* with their new state.

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Land and Liberty: A History of the Mexican Revolution. By Blanche Blue De Vore (New York: Pageant Press, Inc., 1966. 344 pp. $5.00.) Reviewed by Gloria Ricci Creutz.

Response to the cry of "*Tierra y Libertad*" ushered forth a half-century of national upheaval in Mexico. In *Land and Liberty: A History of the Mexican*

Revolution, Blanche Blue De Vore presents a knowledgeable account of this revolution-turned-evolution. Drawing from original research in Mexico beginning in 1948 as well as from graduate study, she traces the conversion of Mexico from a caudillo-kingdom into a nation.

In clear and compact style which is more informative than interpretive, the author outlines Mexico's groping efforts toward political maturity. Out of the turbid accounts describing northern Carrancistas and southern Zapatistas Dr. De Vore has created an ordered sequence. The scene is set by portraying the *latifundio* economy of the early 1900's. Against this background appear the liberal agitations favoring educational and land reforms along with demands for a progressive, democratic government.

The resulting impact which for two decades beset the nation with bitterness and bloodshed is sketched with well documented strokes of scholarship. No doubt, the writer's personal interviews with remaining revolutionary leaders, including Antonio Díaz Soto y Gama and Dr. Lucio Mendieta y Nuñez, contributed in giving vitality to the portrayals of such figures as Pancho Villa and Emiliano Zapata.

The account continues with the subsequent decline of the liberal movement as it encounters disaffection within its ranks, an unyielding Mexican reactionary element, as well as foreign disapproval. Nevertheless, the final chapter suggests that "though liberal visions are not yet total realities," the revolutionary impulse has given Mexico a pride in her native heritage. The flourishing creativity in the arts which has gained international acclaim is offered as evidence of this.

The research presents a substantive contribution to the study of the Mexicans' manipulation of political power from 1910 to the 1960's. The focus upon factors of Realpolitik which compelled each party is revealing in itself. For example, the techniques by which the southern supporters of the agrarian reform Plan of Ayala forced additions to the official Plan of Guadalupe are masterpieces of political checkmate. Of greater importance, however, is that, in admitting the contrast which exists between the formal governmental structure and the actual methods of political operation, Dr. De Vore has pointed to one cause of Mexico's chronic political malaise.

Drawing upon much recent scholarship as well as upon documents and interviews, the author has written an account of revolutionary politics as scrupulously detailed as a legal brief. For example, although most histories list the Mexican settlement of United States oil property claims in 1942 as twenty four million dollars, in *Land and Liberty* the specific sum is given as $23,995,991.

As Tawney once wrote, however, politics are but the squalid scaffolding of our world. Consequently, a book addressed exclusively to this subject subsumes a multiplicity of significant factors under the generic headings of political parties. By presenting the political and military conflicts only slightly modified by considerations of time or popular temper, the essential ethos of the Mexican Revolution has not been captured. The missing description of the taproots of the rebellion is forcefully evident when one asks who indeed did respond to the cry of "Land and Liberty." The writer makes the explanation even more necessary by suggesting in the concluding chapter that "The Mexican Revolution was a popular uprising, not a coup d'état or a military revolt. . . . Theirs [the Mexicans'] was the first great social movement of the twentieth century." Nevertheless, *Land and Liberty* remains a chronicle of the rise and fall of military and political juntas.

This is no plea for the tape-recorded sociology of the *Children of Sánchez,* but rather a puzzled search for the myriad influences generated by the urban social clubs, the Masons, the Indians, and the writers and intellectuals. It is a search as well for the host of foreign influences which must have persuaded others besides the Communists and Sinarquistas. The criticism would be unwarranted if the author had narrowly defined the limits of her study. But the final chapter, appearing like a conscientious addendum, briefly recognizes the wide panorama of the Revolution's socioeconomic implications.

The fact that revolution is a Janus with not two but many faces presents the historian with another burden. More important than the chronicle and characterization is the selection of causes and antecedents. Dr. De Vore reveals an instinct for such historical inference in describing Woodrow Wilson's refusal to recognize the Huerta government in 1913. It is less evident in relating the debt peonage system to the Hispanic legacy of the *encomienda.* And the technique is abandoned when explaining the anticlerical sentiment in the Constitution of 1917. By interpreting it as a response to the clergy's support of the reactionary Huerta regime, it is not seen in the perspective of its Bourbon heritage, nor as reflective of the currents of anticlericalism then eddying about contemporary Europe.

Although there are typographical errors on pages 2, 19, and 106, the book is a welcome research tool. It is well footnoted and includes a good Index. Finally, the absence of maps and pictures is more than compensated for by a bibliography of articles, books, and official publications in both English and Spanish.

Gloria Ricci Creutz, an Oakley Fellowship recipient, is an editorial assistant of the *Southern California Quarterly* and a doctoral candidate in history.

San Francisco: Mission to Metropolis. By Oscar Lewis. (Berkeley: Howell-North Books, 1966. 274 pp. $6.95.) Reviewed by Benjamin F. Gilbert.

A vibrant and proud city such as San Francisco with her rich past and worldwide appeal surely deserves an updated quality history. The author, a native San Franciscan highly skilled in his profession, has partially met the demand for a good single volume study. The book is a concise summary of selected major events in the city's life of almost two centuries from Spanish beginnings to the mid-1960's. Since it includes 154 illustrations and only 260 pages of text, Lewis has performed a remarkable task in compressing so much data into twelve short chapters.

At times the author covers too much general California history, particularly in the Spanish and Mexican eras. The two strongest chapters are on the 1870's and on the earthquake and fire. The last two chapters treating the period since 1920 seem the weakest. While such subjects as Hetch Hetchy, the airport, the bridges, the Golden Gate International Expedition, the United Nations Conference, and urban renewal are covered, there is no mention of either the waterfront and general strikes of 1934 or of Japanese relocation during World War II. A few errors were noted in the author's discussion of the Mexican alcalde system. Of San Francisco's thirty-three American mayors, only nine appear in the book. Probably the lack of space precluded a more thorough analysis of the achievements and shortcomings of the city's chief executives. Thus, for example, the significance of the famous Van Ness Ordinance is overlooked.

In the part of Chapter Six devoted to "Civil War Days" several errors about the *Chapman* incident, a Confederate effort to outfit a privateer at San Francisco in 1863, were made. Actually none of the privateers held a commission in the Confederate Navy; Alfred Rubery's name is not spelled correctly, and he was not a nephew of John Bright. A check of the author's quotations from both primary and secondary sources concerning the Civil War era indicate several inaccuracies. Words are sometimes either changed or deleted without the proper ellipsis marks. Errors in the spelling of the names of Governors William D. Stephens and Culbert Olson in both the text and Index were noted. Occasionally the author appears to have wasted valuable writing space by using quotations from secondary sources. On page 67 the name of Henry M. Naglee is twice given as Neglee; although this is apparently a printing error, it became a serious one since the misspelling is from a secondary work by John S. Hittell where the name was correct. On page 143 two errors on the California constitutional convention of 1878-79 were noted. The author states that the election of delegates was held in 1877 and that the Workingmen's Party controlled the convention. In actuality the agricultural interests dominated the convention since the Workingmen were in the minority on all committees and the election was held in 1878.

The book is not a penetrating study in depth because of its small size, but it should appeal to the general reader because of its compactness, lucid style, and pictorial presentation. There is a brief Bibliography for readers interested in further study. Whereas this book serves as a well-organized compendium of the city's history, there remains the need for a larger and more edifying book that will have such names as James Van Ness, John Swett, George Hearst, A. P. Giannini, and Harry Bridges in its Index.

Benjamin F. Gilbert is professor of history at San Jose State College.

The Southwest of John H. Slaughter, 1841-1922. By Allen A. Erwin. (Glendale: The Arthur H. Clark Company, 1965. 369 pp. $11.00.) Reviewed by Harwood P. Hinton.

In the popular mind, John Horton Slaughter ranks high among the famous lawmen who helped tame the Wild West. More than a half century ago, journalists began building a legend around the fiery little Arizona sheriff, a legend that in time friends embellished and writers glorified. Few cared to remember that Slaughter arrived in Tombstone in 1879, driving a herd containing stolen animals, two jumps ahead of cattle inspectors. Few recalled that the roaring silver camps in Cochise County already were passing into memory when local stockmen elected him to office. And who would repeat the rumors that his ranching operations along the border were often suspect? It was more interesting to recount Slaughter's courage and bravery in running down rustlers (mostly Mexicans), and speak of his San Bernardino ranch (some 2,400 patented acres) in the same breath with other great cattle empires in Arizona. To separate fact from legend, Canadian-born Allen A. Erwin erstwhile rodeo performer, radio entertainer, and Western buff set out more than ten years ago to locate descendants of John Slaughter and collect information pertinent to his life. The result of his travels is an overly sympathetic but interesting story that should contribute to a better understanding of the man and his times.

The first third of the book traces the activities of the Slaughter family in South Texas. John Slaughter was born in Louisiana, the son of a veteran of the Texas Revolution who subsequently settled below San Antonio in Frio County. Young John grew to manhood manifesting an independent turn of mind, a thirst for poker, and no compunction against swinging a wide loop on the open range. Failing in two partnership ventures and accused of killing a man, he drifted north during the mid-1870s to work cattle for his brother Charles on the Pecos in New Mexico. There, he was soon caught in the shifting fortunes of the Lincoln County War. A wanted man (and racked with asthma), he headed west with a herd to the booming mines at Tombstone.

Slaughter spent the remainder of his life in Arizona. Acquiring in the 1880's the old Spanish hacienda of San Bernardino, which straddled the Mexican border, he built up a herd of Mexican stock, made conditions very discouraging for neighboring ranchers, and prospered as a beef contractor and wholesaler. Placed in the sheriff's office in 1887 to curb rustling in Cochise County (the renegade Indian and outlaw were vanishing from the scene), Slaughter acted with vigor and ruthlessness. In predawn attacks, he struck the sleeping camps of cattle thieves, giving no quarter. Flashing a diamond ring, puffing a cigar, and carrying a shotgun, he enjoyed his role—yet here was a man who feared for his life and seldom traveled alone, who ate and slept with a revolver at his side. In somewhat of an anticlimax, Erwin closes the story with a description of life on the San Bernardino during the twilight years.

Erwin's portrait of Slaughter leaves much to be desired. In his zeal to describe the passing scene, the author leads the reader away from Slaughter for extended periods. Flashbacks disturb the time sequence of the story. Emphasis is on the sensational, with little said about Slaughter's involvements in business and politics. Bias is evident: Erwin's dark view of the Earps will certainly raise debate. And much of the volume (even quoted matter) is undocumented.

Despite its disappointing features, *The Southwest of John Slaughter* is attractively packaged, contains thirty-two halftones, a folding map of the country that Slaughter knew, and an extensive Bibliography. The Index is useful, but incomplete (p. 99, Hunter; p. 128, Cochran; p. 149, Douglas).

For a number of years cow country historians have awaited the publication of this biography. Though a majority will be disappointed with the result, Allen Erwin should be congratulated for his heroic efforts to delineate more clearly one of the great personalities of the Old West.

Harwood P. Hinton, editor of *Arizona and the West*, has been working on a biography of John Simpson Chisum, the New Mexico cattle king.

Boss Ruef's San Francisco: The Story of the Union Labor Party, Big Business, and the Graft Prosecution. By Walton Bean. (Berkeley and Los Angeles: University of California Press, 1967. 345 pp. $1.95, paper-covered.) Reviewed by Manuel P. Servín.

The University of California Press and its Director must be congratulated for their decision to reprint Professor Walton Bean's classic, *Boss Ruef's San Francisco: The Story of the Union Labor Party, Big Business, and the Graft Prosecution.* First published in 1952, Bean's excellently researched and meticulously objective monograph studies the city's political and big business corruption in the 1890's and early 1900's. It analyzes the role of San Francisco's political boss—the colorful UC-educated, disenchanted Jewish attorney, Abraham Ruef; the part played by the corrupt Union Labor Party politicians (many of whom had names reminiscent of the later unpalatable Curley, Kelly, O'Dwyer, and Pendergast machines); the pernicious influence exerted by the so-called solid leaders of society, the business magnates; the motivating forces, prejudices, ambitions, and subsequent life of the reformers; and the almost unsurmountable difficulties in obtaining any reform—a fact obviously evident as the trial ended with the incarceration of Ruef but not of the "indicted corporation executives."

Bean's study merits reprinting not only because of its inherent scholarship, which was responsible for its being awarded the Commonwealth Club of California's gold medal for nonfiction, but also because of the outstanding and influential Californians—Frémont Older, Rudolph Spreckels, William J. Burns, Francis J. Heney, and Hiram Johnson—who were involved in this analysis of the inner workings of boss government and of the monumental ambition of North Americans to succeed regardless of the price to be paid.

Professors of United States social history and of California history, as well as academic and nonacademic students of California's political and business past, will be most appreciative to be able to purchase this penetrating study at the very inexpensive price of $1.95.

Manuel P. Servín, the editor of the *California Historical Society Quarterly*, is an associate professor of history at the University of Southern California.

Sources & Readings In Arizona History. Edited by Andrew Wallace. (Tucson: Arizona Pioneers' Historical Society, 1965. 181 pp. $4.50.) Reviewed by Harwood P. Hinton.

Appropriated and expanded from a checklist that appeared in *Arizoniana* in 1963, this work will prove a valuable reference tool for those interested in Arizona history. The Introduction includes engaging and inspirational remarks by Bert M. Fireman, a list of general histories, bibliographies, and guides, and a scattering of magazines and journals that carry Arizona articles. Following this are fifteen lists of magazines and books. Each is under a certain topic (The Land, Men of Spain, etc.), and contains about eighty entries. Prefacing each list is a short evaluation by a person knowledgeable of the literature. Scarce and rare books, government documents, works in languages other than English, and articles less than two pages do not appear. Under each topic the books and articles are arranged according to publication date, rather than alphabetically by author. Where reprints have been made, this has been noted, too. The Index, which is always essential to the hurried scholar, contains author entries only, and is keyed to particular topics and reference numbers (i.e., Bailey, Paul D., IV, 58; VI, 60).

The coverage is comprehensive and diverse. A glance at the references reveals items ranging from Edward Spicer's *Cycles of Conquest* to Mary and Conrad Buff's *Elf Owl*. Probably a third of the books cited deals with the Southwest, rather than Arizona exclusively. The articles are not only drawn from the pertinent scholarly journals but popular magazines as well. Samplings from technical bulletins also appear. It is interesting to note in turning the pages of this book that Arizona still lacks an up to date scholarly history; that much of the past writing has been about the Army, the Indian, and the outlaw; and that research into twentieth-century Arizona is practically nonexistent. There are great gaps in the areas of mining, agriculture, freighting, homesteading, cultural development, and state making. In light of this, George E. Leaming's listings under "Economy" are refreshing.

Every bibliography and checklist is wide open to criticism. This one is no exception. Many works of a similar nature are jumbled. Emory, the explorer, appears under "The Troopers," while explorers Ives and Sitgreaves are under "The Pathfinders." Works about Beale and Hamblin appear in two different categories. Noticeably lacking are the numerous articles by W. R. Ridgeway in *The Sheriff* magazine. Several of the lists have been fattened considerably by peripheral or doubtful references. Perhaps the major criticism involves the Index. To use the checklist, one has to know the author before he starts, or he tediously has to scan the topic list to locate a certain work.

The book is artfully designed and attractively packaged. Pen sketches by Anne Merriman Peck are featured throughout. Students, teachers, and buffs interested in Arizona's past will find this book informative and helpful.

Harwood P. Hinton, an associate professor at the University of Arizona, is editor of *Arizona and the West.*

The Stone Mason of Tor House: The Life and Times of Robinson Jeffers. By Melba Berry Bennett. (Los Angeles: Ward Ritchie Press, 1966. 264 pp., $10.00.) Reviewed by Andrew Rolle.

A recent short and unfortunate review in the New York *Times* has led other reviewers to underrate this biography of California's major poet. Criticism voiced in the *Times* concerned the work's lack of critical analysis as "an act of worship." The *Times* reviewer focused upon Jeffers' "prophet-like declamations" and thereby sorely underrated his standing in American literature. Between 1925 and 1940 Jeffers was frequently mentioned, along with T. S. Eliot, as America's most important living poet. Then came World War II and Jeffers' strong disapproval of United States patriotic hysteria, etched in his *Be Angry at the Sun* (1941). These antiwar views so offended his publisher, Random House, that the unprecedented step of inserting a note of disavowal was printed in a similarly irate subsequent book, *The Double Axe* (1948). The theme of the latter concerns the stupidity of unnecessary wars. From the end of World War II until Jeffers' death in 1962, his reputation has wallowed in a trough of indifference. Most of his books have not been kept in print, as lesser literary figures are praised by critics. Young people no longer can find his work even in certain anthologies.

Mrs. Bennett has performed a unique service. Since the publication of her *Robinson Jeffers and the Sea* in 1936 she has been at work compiling hundreds of details about the poet. As a close personal friend of Jeffers and his wife Una, she cannot help being his advocate. Jeffers was such a recluse in his personal life that without Mrs. Bennett's loyalty, it is, however, doubtful that more than a fraction of that life would have been rescued for posterity. As to this book, perhaps one would wish for stronger critical ability; also some readers would like greater detail in places, especially concerning Jeffers' student years at Occidental College, to which he himself paid tribute. But, a critic cannot justly rewrite another person's book. Along with Lawrence Clark Powell's excellent *Robinson Jeffers: the Man and His Work* (1940), this book will, for the time being, stand as the most thorough current volume on Jeffers, supplementing the work of such interpreters as Herbert Klein and Randolph Squires.

Perspective may one day give us a better biography, but no author could have been more devoted to her task than Mrs. Bennett.

Whatever one may think of writing about Jeffers, there was one characteristic of his life and work that has made him a lasting figure—his incorruptibility. Jeffers set forth powerfully his feelings about man's depravity and the underlying futility of life, which he contrasted with the unspoiled nobility of the Carmel coastline. Realistic as well as symbolic in his themes, he made man out to be a relatively insignificant and unworthy child of nature. About this he once wrote, "Cut humanity out of my being, that is the wound that festers." His respect for the primeval and for the wonders of the universe itself were what first drew admirers to his stark poetry and what has kept them reading his works.

ANDREW ROLLE, author of numerous books on Western American history, is Robert Glass Cleland Professor of History at Occidental College.

CORRECTION

The editor wishes to call the readers' attention that the exquisitely translated and printed book, *Fray Francisco Garcés: A Record of Travels in Arizona and California, 1775-1776*, reviewed in the September issue, was published by John Howell—Books and that "one would do well . . . to a keep a blank check ready for the purchase of future" John Howell—Books.

Book Notices

By Anna Marie and Everett Gordon Hager

J. H. Marion's *Notes of travel through the Territory of Arizona*, in a splendid new format, will prove of value to those searching for materials about General George Stoneman. Capably edited by Donald M. Powell and published by the University of Arizona Press (Tucson, 1965. 64 pp. $5.00), this reprint of a rare and little known journal boasts a fine line map giving the routes of 1870 and those of Arizona's present highway systems. Marion was a capable writer and observer of life in the Arizona Territory. Editor Powell's Notes and Selected Bibliography serve as added inducements to place this particular study on all shelves of Western Americana.

The Flush Times of California, by Joseph Glover Baldwin, edited by Richard E. Amacher and George W. Polhemus, is an interesting publication from the University of Georgia (Athens, Georgia, 1966. 82 pp. $3.00). Baldwin, a gifted forty-niner with sharp observation and a fine sense of humor, later served as an associate justice of the Supreme Court of California. *Flush Times* covers his personal adventures in the California diggings of '49. The editors, in addition, have prepared an interesting and worthy biographical sketch.

Place Names of Shasta County, by Gertrude A. Steger (Glendale, California: La Siesta Press, 1966. 71 pp. $2.00), is a necessary and valuable regional study of historic Shasta County. Helen Hinckley Jones, a noted writer and historian in her own right, has completed the unfinished revised work left by Gertrude Steger. Prepared in the familiar handy format created by the La Siesta Press, it contains a fine two-page map and short bibliography.

Several excellent advertising-historical booklets and papers have emerged from such divergent spots as San Bernardino, Conejo and Yucca valleys, Bakersfield, and Los Angeles.

A richly illustrated addition to local histories of Southern California will be found in *Guideposts to History: Concerning Origins of Place and Street Names in San Bernardino County*, by Elizabeth W. Richards (San Bernardino, California: Santa Fe Federal Savings and Loan Association, 1966. 112 pp. Gratis). Compiler and historian Richards is to be complimented for her skill in preparing this study and in using over sixty-five unusually fine and little known photographs.

An example of a worthwhile yet small publication brought together with serious care and cooperation is *Conejo Valley Days: A History of Conejo Valley*, compiled by the Conejo Valley Historical Society (Thousand Oaks, California: Garrison Publications, P.O. Box 1692, 1966. 32 pp. Price not given). The early-day photographs of Conejo and especially those of the Stagecoach Inn will soon make this a collector's item.

A major research project brought together the forces of the Municipal Art

Department and the Cultural Heritage Board of the City of Los Angeles, and the final result is now available. *Mayors of Los Angeles* (Los Angeles: Municipal Art Department, City Hall, Room 1300, 1966. 76 pp. Gratis) contains biographies and well reproduced photographs of portraits of all mayors of Los Angeles (but four). It spans the years from 1850, when the first elected mayor was installed, to 1966, when Sam Yorty is the present alcalde. W. W. Robinson, noted historian and past president of the Cultural Heritage Board, contributed the biographical sketches as well as the Foreword.

Remembrances of the High Desert, edited by Carolyn Evans and Joan Wilson, contains recollections of pioneers of the various High Desert communities of Yucca Valley, Morongo Valley, Palm Wells, and Yucca Mesa. Issued by Artcraft Print Shop (P.O. Box 186, Yucca Valley, 1966. 48 pp. $1.50), it is an informative and richly illustrated pamphlet depicting the earliest to latest development of this colorful desert area.

Centennials bring forth valued historical studies of the achievements and growth of communities. Two particularly noteworthy publications to emerge from Kern County in observance of their centennial are *A Centennial Bibliography on the History of Kern County, California*, by William Harland Boyd (Bakersfield, California: Kern County Historical Society, 1966. 50 pp. $2.00), and *The Bakersfield California Centennial Edition* for May 21, 1966. Much will be found in the latter publication on earlier authors Mary Austin and Arthur L. Crites as well as on present-day writers Allen Drury, Dwight L. Clarke, Clarence Cullimore, Ardis Walker, and Richard Bailey. The entire Section "A" deals primarily with writers, artists, and musical artists of Kern County. It is a splendid bargain priced at twenty-five cents!

The latest publication from the Southwest Museum is Ross Parmenter's fine study entitled *Explorer, Linguist and Ethnologist: A Descriptive Bibliography of the Published Works of Alphonse Louis Pinart, with notes on his life* (Los Angeles, California: Southwest Museum, 1966. 58 pp. $5.00).

An outstanding job of research is evident in Ken Johnson's definitive work, *Fun, Frustration and Fulfillment* (Redondo Beach, California: n.p., 1965. 220 pp. $2.00). Johnson has balanced his material and kept a proper perspective of the rise, boom periods, declines, and emergence of the "fulfillment period" of Redondo Beach. This, the first full-length comprehensive history of a community such as Redondo Beach, certainly deserves better handling. The format is not only unpleasant, but the 8½ x 11 inch pages bound with bright blue plastic spiral binding make an unwieldy volume whose lack of photographs and index are particularly irksome. The absence of photographs is all the more apparent, especially when a recent *Annual* of the Union High School bulged with historical photographs depicting "Then and Now" scenes of the Redondo Beach area. It is hoped that this fine work of Mr. Johnson's will be reissued in better format and will utilize the many fine photographs existent in newspaper libraries and private collections in the beach city.

Walt Wheelock's La Siesta Press in Glendale has recently issued some fine reprints as well as new titles. Well illustrated, documented, and arranged, they are modestly priced and add much valuable information to the field of Californiana and the Far West. Divergent titles of recent publications include *Backpack Cookery*, by Ruth Dyar Mendenhall (Glendale: La Siesta Press, 1966. 40 pp. $1.00); *Baja California Overland*, by L. Burr Belden, $1.95; *Climbing Mount Whitney*, by Walt Wheelock and Tom Condon, $1.00).

A rare facsimile with added materials of the California State Senate Report by Joseph R. Walker on the route from San Francisco east via the Southern Sierra Pass will be found in *Walker's R. R. Routes—1853*, by Pat Adler and Walt Wheelock (Glendale: La Siesta Press, 1966. 64 pp. $4.50).

Ghost Town Treasures, by Lambert Florin (Seattle, Washington: Superior Publishing Company, 1965. 192 pp. $12.95), is the fifth of his well illustrated and researched pictorial histories of the Western Ghost Town series, the first having been issued in 1961. Emphasis in this particular volume centers on Washington and Oregon with Arizona crowding out some of the more colorful ghost towns of New Mexico and Montana for third place in this unusual roster.

Ralph W. Andrews' first historical study on the early day photographers of the West appeared two years ago (1964) with *Picture Gallery Pioneers—1850 to 1875*. Extending his studies in this same field is his remarkable *Photographers of the Frontier West: 1875 to 1910—Their Lives and Their Works* (Seattle, Washington: Superior Publishing Company, 1965. 182 pp. $12.95). Such notable photographers as Genthe, Curtis, MeKee, Ericson, Fly, and Peabody command the reader's attention with their fine studies of Indians, activities, and events no longer possible to be captured through the medium of the camera's eye. Rare photographs are carefully reproduced, and the general format of Mr. Andrews' books is highly pleasing and will prove of considerable merit to students of the Western scene.

To those concerned with the American Indian, attention is called to the official publication of the American Indian Historical Society, *The Indian Historian* (Subscription $3.25 per year, 206 Miguel Street, San Francisco, California 94131). The May, 1966, issue is devoted entirely to the reprint of an important and scholarly document *Indian Property Rights and the Public Domain*, with special reference to Nevada and certain Western States.

Although written and illustrated for younger readers, ages ten to fourteen, *Kemi: An Indian Boy before the White Man Came*, by Mary and Conrad Buff (Los Angeles: Ward Ritchie Press, 1966. 90 pp. $3.50), will prove interesting to the adult. Charmingly told and exquisitely illustrated, this small book portrays life among the Indians who lived on the California mainland and traded with offshore island Indians.

Of considerable aid to searchers for the first and rare earlier volumes of the *Annuals* of *The Historical Society of Southern California* spanning the years

1884 to 1891 will be the facsimile reproductions now available from Dawson's Book Shop, Los Angeles (Six volumes, $12.00 the set; $2.00 per volume).

A Guide to Architecture in Southern California, by David Gebhard and Robert Winter (Los Angeles: Los Angeles County Museum of Art, 1965. 164 pp. $1.50), contains a brief history, an arrangement by region and street maps, an Index by architects, and eighty splendid photographs. Touching on a wide range of architectural history in Southern California, this is a useful and well designed compact paperback.

The University of California Press is to be commended for its paperback editions in the California Natural History Guides. Number Thirteen covers *Introduction to the Natural History of Southern California*, in condensed format, by Edmund C. Jaeger and Arthur C. Smith (Berkeley, 1966. 104 pp. $1.95). Well illustrated and indexed, this series should prove to be handy travelling companion pieces for those interested in the entire area of Southern California.

As an added dividend to members of the American Association for State and Local History, publications of inestimable value are presented from time to time. *Archeology and the Historical Society*, by J. C. Harrington (48 pp., illustrated, paperback), and *A Handbook on the Care of Paintings*, by Caroline K. Keck (132 pp., illustrated), are recent publications. Apply to the Association, 132 Ninth Avenue North, Nashville, Tennessee. Active membership of $5.00 includes such publications issued by the Association during the membership period.

With each new issue of *Cry California* (Sacramento, California: California Tomorrow, Forum Building, 1966. 40 pp. $9.00 yearly), the depth and scope of materials presented in this brilliant and informative periodical become more and more apparent. All phases of conservation, land and park development, problems of cities, large and small, water pollution, and new national and state park areas are competently discussed.

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